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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NEW JERSEY

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, is amended by adding said county, average value, and investment limit to the tabulations appearing in said section under the State of New Jersey.

NEW JERSEY

County	Average value	Investment limit
Passaic	$20,000	$12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 8th day of January 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-457; Filed, Jan. 11, 1952; 8:46 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NEW JERSEY

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

NEW JERSEY

County	Average value	Investment limit
Cape May	$16,000	$12,000
Middlesex	20,000	12,000
Salem	20,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 8th day of January 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-456; Filed Jan. 11, 1952; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 208]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.553 *Orange Regulation 208*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of ship-

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

ments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act;

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such

effective time; and good cause exists for making the provisions hereof effective not later than January 14, 1952. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 15, 1951, and will so continue until January 14, 1952; the recommendation and supporting information for continued regulation subsequent to January 13 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 8; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the parts of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 14, 1952, and ending at 12:01 a. m., e. s. t., January 21, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container; or

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size smaller than 2⅝₁₆ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⅝₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2⁵⁄₁₆ inches in diameter and smaller.

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "container" shall each have the same meaning as when used in the revised United Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of January 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-488; Filed, Jan. 11, 1952; 8:50 a. m.]

[Tangerine Reg. 118]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.554 *Tangerine Regulation 118*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time, and good cause exists for making the provisions hereof effective not later than January 14, 1952. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 15, 1951, and will so continue until January 14, 1952; the recommendation and supporting information for continued regulation subsequent to January 13 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 8; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 14, 1952, and ending at 12:01 a. m., e. s. t., January 21, 1952, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1 or U. S. No. 1 Bronze, that are of a size larger than the size that will pack 120 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches);

(iii) Any tangerines grown in the State of Florida, which grade U. S. No. 2, that are of a size larger than the size that will pack 150 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches; or

(iv) Any tangerines, grown in the State of Florida, that are of a size smaller than a size that will pack a 210 pack of tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches) except that the minimum size of such tangerines shall be 2⁵⁄₁₆ inches with a total tolerance for variations incident to proper sizing of 20 percent, by count, of tangerines that are smaller than 2⁵⁄₁₆ inches in diameter of which not more than one-half, or a total of 10 percent by count of the tangerines, are smaller than 2⁵⁄₁₆ inches.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 2," "210 pack" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of January 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-489; Filed, Jan. 11, 1952; 8:50 a. m.]

[Lemon Reg. 417]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.524 *Lemon Regulation 417*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 9, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 13, 1952, and ending at 12:01 a. m., P. s. t., January 20, 1952, is hereby fixed as follows:

(i) District 1: 35 carloads;

(ii) District 2: 215 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 10th day of January 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Jan. 6, 1952]

District No. 2

[12:01 a. m. Jan. 13, 1952, to 12:01 a. m. Jan. 27, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.496
American Fruit Growers, Inc., Fullerton	.426
American Fruit Growers, Inc., Upland	.661
Eadington Fruit Co.	.425
Hazeltine Packing Co.	1.271
Ventura Coastal Lemon Co.	2.404
Ventura Pacific Co.	1.262
Glendora Lemon Growers Association	2.368
La Verne Lemon Association	1.018
La Habra Citrus Association	.610
Yorba Linda Citrus Association, The	.339
El Cajon Valley Citrus Association	.135
Escondido Lemon Association	2.663
Alta Loma Heights Citrus Association	1.324
Etiwanda Citrus Fruit Association	.896
Mountain View Fruit Association	.430
Old Baldy Citrus Association	1.867
San Dimas Lemon Association	1.594
Upland Lemon Growers Association	11.178
Central Lemon Association	.355
Irvine Citrus Association	.427
Placentia Mutual Orange Association	.948
Corona Citrus Association	.406
Corona Foothill Lemon Co.	3.422
Jameson Co.	1.063
Arlington Heights Citrus Co.	1.024
College Heights Orange & Lemon Association	5.347
Chula Vista Citrus Association	.469

PRORATE BASE SCHEDULE—Continued

District No. 2—Continued

Handler	Prorate base (percent)
Escondido Cooperative Citrus Association	0.277
Fallbrook Citrus Association	1.596
Lemon Grove Citrus Association	.128
Carpinteria Lemon Association	4.071
Carpinteria Mutual Citrus Association	3.603
Goleta Lemon Association	4.966
Johnston Fruit Co.	4.728
North Whittier Heights Citrus Association	.334
San Fernando Heights Lemon Association	3.596
Sierra Madre-Lamanda Citrus Association	1.397
Briggs Lemon Association	.724
Culbertson Lemon Association	1.196
Fillmore Lemon Association	.775
Oxnard Citrus Association	3.432
Rancho Sespe	.298
Santa Clara Lemon Association	3.602
Santa Paula Citrus Fruit Association	1.256
Saticoy Lemon Association	2.686
Seaboard Lemon Association	3.049
Somis Lemon Association	2.552
Ventura Citrus Association	1.108
Ventura County Citrus Association	.371
Limoneira Co.	1.530
Teague-McKevett Association	.321
East Whittier Citrus Association	.227
Leffingwell Rancho Lemon Association	.223
Murphy Ranch Co.	.368
Chula Vista Mutual Lemon Association	.445
Index Mutual Association	.170
La Verne Cooperative Citrus Association	2.740
Orange Belt Fruit Distributors	.959
Ventura County Orange & Lemon Association	2.131
Whittier Mutual Orange & Lemon Association	.009
Evans Bros. Packing Co.	.001
Huarte, Joseph D.	.039
Latimer, Harold	.057
Paramount Citrus Association, Inc.	.177

District No. 1

Total	100.000
Klink Citrus Association	35.136
Lemon Cove Association	25.248
Porterville Citrus Association	.776
Tulare County Lemon & Grapefruit Association	30.550
California Citrus Groves, Inc., Ltd.	.158
Harding & Leggett	7.988
Zaninovich Bros., Inc.	.144

[F. R. Doc. 52-506; Filed, Jan. 11, 1952; 9:00 a. m.]

[Grapefruit Reg. 81]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.342 *Grapefruit Regulation 81*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable

provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 13, 1952. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 21, 1951, and will so continue until January 13, 1952; the recommendation and supporting information for continued regulation subsequent to January 12, 1952, was promptly submitted to the Department after an open meeting of the Administrative Committee on January 3; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., January 13, 1952, and ending at 12:01 a. m., P. s. t., February 10, 1952, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{9}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{7}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{15}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of January 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-487; Filed, Jan. 11, 1952; 8:50 a. m.]

[Orange Reg. 406]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.552 *Orange Regulation 406*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on January 10, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., January 13, 1952, and ending at 12:01 a. m., P. s. t., January 20, 1952, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: 500 carloads;

(*b*) Prorate District No. 2: 350 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) During the period beginning at 12:01 a. m., P. s. t., January 13, 1952, and ending at 12:01 a. m., P. s. t., June 1, 1952, standard size 344 is fixed as the minimum size of Navel and miscellaneous varieties of oranges grown in Prorate District 2 which may be handled.

(3) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached

hereto and made a part hereof by this reference.

(4) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of January 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Jan. 13, 1952, to 12:01 a. m., P. s. t., Jan. 20, 1952]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.6231
A. F. G. Porterville	1.5119
Ivanhoe Cooperative Association	.7577
Placentia Cooperative Orange Association	.0000
Sandilands Fruit Co	.5975
Dofflemyer & Son, W. Todd	.6571
Earlibest Orange Association	2.2468
Elderwood Citrus Asociation	.7806
Exeter Citrus Association	2.6461
Exeter Orange Growers Association	1.4887
Exeter Orchards Association	1.5120
Hillside Packing Association	1.1094
Ivanhoe Mutual Orange Association	1.3016
Klink Citrus Association	3.8618
Lemon Cove Association	1.7963
Lindsay Citrus Growers Association	2.5874
Lindsay Cooperative Citrus Association	.7114
Lindsay Fruit Association	1.4254
Lindsay Orange Growers Association	.8140
Naranjo Packing House Co	1.2523
Orange Cove Citrus Association	3.9656
Orange Packing Co	1.3627
Orosi Foothill Citrus Association	1.4990
Paloma Citrus Fruit Association	.9449
Rocky Hill Citrus Association	2.1598
Sanger Citrus Association	4.3027
Sequoia Citrus Association	.7793
Stark Packing Corp	3.1974
Visalia Citrus Association	2.0408
Waddell & Son	1.4641
Baird-Neece Corp	1.7700
Beattie Association, D. A	.6352
Grand View Heights Citrus Association	3.2609
Magnolia Citrus Association	2.0242
Porterville Citrus Association, The	1.3402
Richgrove-Jasmine Citrus Association	1.8199
Strathmore Cooperative Association	.9070
Strathmore District Orange Association	1.6947
Strathmore Packing House Co	2.1261
Sunflower Packing Association	3.4110
Sunland Packing Association	2.4229
Terra Bella Citrus Association	1.7083
Tule River Citrus Association	.8814
Euclid Avenue Orange Association	.3354
Lindsay Mutual Groves	1.1270

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Martin Ranch	1.9281
Orange Cove Orange Growers	2.9904
Woodlake Packing House	2.5437
Anderson Packing Co	.5909
Baker Bros	.2627
Barnes, J. L	.0199
Batkins, Fred A	.0708
Bear State Packers, Inc	.2237
California Citrus Groves, Inc., Ltd	2.6158
Chess Co., Meyer W	.1980
Clemente, Lorenzo	.1490
Collum, J. B	.0132
Darby, Fred J	.0357
Darling, Curtis	.0009
Dubendorf, John	.1346
Edison Groves Co	.0000
Evans Bros. Packing Co	.1127
Granada Packing House	.0000
Haas, W. H	.1749
Harding & Leggett	2.3297
Independent Growers, Inc	1.6966
Kim, Charles N	.0571
Kroells Packing Co	1.8928
Larson, Louis	.1458
Lo Bue Bros	.8362
Maas, W. A	.0744
Marks, W. & M	.4093
Nicholas, Joe	.0219
Nicholas, Richard	.0042
Paramount Citrus Association	.2479
Powell, John W	.0219
Randolph Marketing Co	2.3740
Reimers, Don H	.5807
Terry, Floyd H	.1297
Toy, Chin	.0291
Zaninovich Bros., Inc	1.2121

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.2072
A. F. G. Corona	.2714
A. F. G. Fullerton	.0320
A. F. G. Orange	.0383
A. F. G. Riverside	.6827
A. F. G. Santa Paula	.0467
Eadington Fruit Co., Inc	.6980
Hazeltine Packing Co	.0722
Placentia Cooperative Orange Association	.5350
Placentia Pioneer Valencia Growers Association	.0433
Signal Fruit Association	1.2021
Azusa Citrus Association	1.1155
Covina Citrus Association	1.4494
Covina Orange Growers Association	.4593
Damerel-Allison Association	1.0323
Glendora Citrus Association	1.5018
Glendora Mutual Orange Association	.5619
Valencia Heights Orchard Association	.2314
Gold Buckle Association	2.8070
La Verne Orange Association	4.3411
Anaheim Valencia Orange Association	.0141
Fullerton Mutual Orange Association	.3806
La Habra Citrus Association	.1570
Yorba Linda Citrus Association, The	.0568
Escondido Orange Association	.5136
El Cajon Valley Citrus Association	.1991
Alta Loma Heights Citrus Association	.3552
Citrus Fruit Growers	.8501
Etiwanda Citrus Fruit Association	.1549
Mountain View Fruit Association	.1204
Old Baldy Citrus Association	.4266
Rialto Heights Orange Growers	.3413
Upland Citrus Association	2.2464
Upland Heights Orange Association	1.3833

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Consolidated Orange Growers	0.0246
Frances Citrus Association	.0000
Garden Grove Citrus Association	.0265
Goldenwest Citrus Association, The	.1513
Olive Heights Citrus Association	.0424
Santa Ana-Tustin Mutual Citrus Association	.0147
Santiago Orange Growers Association	.1453
Tustin Hills Citrus Association	.0186
Villa Park Orchard Association, The	.0339
Bradford Bros., Inc	.2058
Placentia Mutual Orange Association	.2084
Placentia Orange Growers Association	.1914
Yorba Orange Growers Association	.0569
Corona Citrus Association	.9317
Jameson Co	.6456
Orange Heights Orange Association	3.1032
Grafton Orange Growers Association	1.1041
East Highlands Citrus Association	.4249
Redlands Heights Groves	.6983
Redlands Orangedale Association	1.0643
Rialto-Fontana Citrus Association	.4431
Break & Son, Allen	.2731
Bryn Mawr Fruit Growers Association	1.1939
Mission Citrus Association	1.1352
Redlands Cooperative Fruit Association	1.5761
Redlands Orange Growers Association	1.0111
Redlands Select Groves	.5391
Rialto Orange Co	.5942
Southern Citrus Association	.8349
United Citrus Growers	.8271
Zilen Citrus Co	.5083
Arlington Heights Citrus Co	1.3136
Brown Estate, L. V. W	1.8326
Gavilan Citrus Association	1.8989
Highgrove Fruit Association	.6836
Krinard Packing Co	2.0441
McDermont Fruit Co	1.7225
Monte Vista Citrus Association	1.4174
National Orange Co	1.2829
Riverside Citrus Association	.1993
Riverside Heights Orange Growers Association	1.0342
Sierra Vista Packing Association	.8074
Victoria Avenue Citrus Association	3.2336
Claremont Citrus Association	.8960
College Heights Orange & Lemon Association	1.4935
Indian Hill Citrus Association	1.2097
Pomona Fruit Growers Exchange	1.8666
Walnut Fruit Growers Association	.5863
West Ontario Citrus Association	1.1611
Escondido Cooperative Citrus Association	.0447
San Dimas Orange Growers Association	1.1675
Canoga Citrus Association	.0893
North Whittier Heights Citrus Association	.1519
San Fernando Heights Orange Association	.3530
Sierra Madre-Lamanda Citrus Association	.1235
Camarillo Citrus Association	.0049
Fillmore Citrus Association	1.0396
Ojai Orange Association	.6847
Piru Citrus Association	1.1012
Rancho Seape	.0010
Santa Paula Orange Association	.1018
Ventura County Citrus Association	.0435
East Whittier Citrus Association	.0027
Murphy Ranch Co	.0567
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.5249

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Chula Vista Mutual Lemon Association	0.0792
Euclid Avenue Orange Association	2.5796
Foothill Citrus Union, Inc	.5266
Fullerton Cooperative Orange Association	.0000
Garden Grove Orange Cooperative, Inc	.0000
Golden Orange Groves, Inc	.2438
Index Mutual Association	.0074
La Verne Cooperative Citrus Association	4.0092
Mentone Heights Association	.6411
Olive Hillside Groves	.0078
Redlands Foothill Groves	2.2971
Redlands Mutual Orange Association	1.1159
Ventura County Orange & Lemon Association	.3249
Whittier Mutual Orange & Lemon Association	.0169
Allec Bros	.0028
Babijuice Corp. of California	.2643
Becker, Samuel Eugene	.0092
Book, Maynard C	.0003
Borden Fruit Co	.0054
Cherokee Citrus Co., Inc	1.1890
Chess Co., Meyer W	.4796
Dunning Ranch	.2111
Evans Bros. Packing Co	.8010
Gold Banner Association	1.8002
Granada Packing House	.1752
Highgrove Citrus Co	.1842
Hill Packing House, Fred A	.8241
Holland, M. J	.0144
Knapp Packing Co., John C	.0464
Orange Belt Fruit Distributors	1.7198
Orange Hill Groves	.3901
Panno Fruit Co., Carlo	.0601
Paramount Citrus Association	.0723
Placentia Orchard Co	.0736
Prescott, John A	.0065
Ronald, P. W	.0375
San Antonio Orchard Co	1.3291
Stephens & Cain	.2716
Wall, E. T., Grower-Shipper	2.0220
Western Fruit Growers, Inc	3.4305

[F. R. Doc. 52-556; Filed, Jan. 11, 1952; 11:25 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

CHANGES IN SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES FOR 1951–52 MARKETING YEAR

After consideration of a recent recommendation of the Walnut Control Board, the administrative agency for operations under Marketing Agreement No. 105 and Order No. 84 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and other available information, it is hereby found and determined that the merchantable walnuts available for sale will not be sufficient to supply the trade demand, and that the existing regulation (16 F. R. 10621) fixing the salable, surplus, and withholding percentages for merchantable walnuts at 80, 20, and 25 percent, respectively, should be amended to provide for salable, surplus, and withholding percentages for said 1951–52 marketing year at 85, 15, and 18 percent, respectively. Therefore, it is hereby ordered that § 984.203, salable, surplus, and withholding percentages for merchantable walnuts during the 1951–52 marketing year, be, and it is hereby, amended to read as follows:

§ 984.203 *Salable, surplus, and withholding percentages for merchantable walnuts during the 1951–52 marketing year.* For merchantable walnuts during the 1951–52 marketing year, the salable percentage shall be 85 percent, the surplus percentage shall be 15 percent, and the withholding percentage shall be 18 percent.

It is hereby found and determined that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this document later than the date of its publication in the FEDERAL REGISTER. The original salable, surplus and withholding percentages for merchantable walnuts for the 1951–52 marketing year (16 F. R. 10621) were fixed on the basis of an estimation of trade demand for the marketing year which is below the trade demand now estimated for such marketing year. This trade demand is such as to require that more of said merchantable walnuts be made available to the trade as promptly as is practicable. Further, the effect of the action will be for the benefit of the persons affected thereby, in that it will serve to relieve them partly from existing restrictions. No preparation for this regulation will be necessary. Therefore, good cause exists for not giving preliminary notice, engaging in rule making procedure, and postponing the effective date of this document later than the date of its publication in the FEDERAL REGISTER (see section 4c of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 9th day of January 1952, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-469; Filed, Jan. 11, 1952; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52903]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

COMPENSATION OF CUSTOMS EMPLOYEES FOR NIGHT SERVICES

The purpose of the following amendment is to eliminate possible excessive and discriminatory payments to customs employees and collections from parties in interest of extra compensation for overtime services under section 5 of the act of February 13, 1911, as amended, and section 451 of the Tariff Act of 1930, as amended (19 U. S. C. 261, 267, 1451). The regulations provide that, if an overtime assignment is after the expiration of the first 4 hours and before the beginning of the last 2 hours of a night, there shall be allowed 4 hours' compensable time in addition to the period between the time the employee is assigned and reports for duty and the conclusion of the services. The word "night" is defined as not including any time within the 24 hours of a Sunday or holiday, and it is provided that the night hours at the end of a regular workday immediately preceding a Sunday or holiday and the night hours at the beginning of the next regular workday shall be considered as parts of a single night. Thus, payment is now required to be made and reimbursement collected for 4 hours of additional compensable time in connection with night overtime services of relatively short duration on assignments immediately preceding or following periods of service on a Sunday or holiday for which extra compensation is payable at the rates prescribed for Sunday or holiday services.

For the purpose of correcting this situation, § 24.16 (g), Customs Regulations of 1943 (19 CFR 24.16 (g)), is hereby amended by inserting after the second sentence the following: "However, if an employee performs Sunday or holiday services which are in continuation of an assignment to overtime services begun during the last 2 night hours at the end of the regular workday preceding such Sunday or holiday, the compensable time for the overtime services preceding the Sunday or holiday shall be 2 hours; or if an employee performs overtime services during the night hours at the beginning of the next regular workday following a Sunday or holiday which overtime services are in continuation of an assignment begun on the Sunday or holiday immediately preceding such regular workday, the compensable time for the overtime services following such Sunday or holiday shall be the period between midnight of such Sunday or holiday and the conclusion of the overtime services."

(R. S. 161, sec. 5, 36 Stat. 901, as amended, sec. 451, 46 Stat. 715, as amended, sec. 624, 46 Stat. 759, sec. 6, 49 Stat. 1385, as amended; 5 U. S. C. 22, 19 U. S. C. 261, 267, 1451, 1624, 46 U. S. C. 382b)

Notice of the proposed issuance of the foregoing amendment of the customs regulations was published in the FEDERAL REGISTER on October 24, 1941 (16 F. R. 10823), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). After consideration of all relevant data, views or arguments submitted in writing by interested persons, the amendment set forth above has been adopted and shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: January 8, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-465; Filed, Jan. 11, 1952; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 525—EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

On December 22, 1951 (16 F. R. 12909), a proposed revision of the regulations contained in this part was published in the FEDERAL REGISTER, and interested persons were afforded an opportunity to present their views with respect thereto within a period of 15 days thereafter.

No objections to any of the provisions of the proposed regulations have been submitted.

All relevant information available indicates that it is necessary, in order to prevent the curtailment of opportunities for employment of handicapped workers in sheltered workshops, to revise the regulations contained in this part as proposed. In such revision the standards applicable to such employment are clarified, and the procedures provided are made to conform to administrative experience.

Accordingly, pursuant to authority under sections 11 and 14 of the Fair Labor Standards Act of 1938, as amended, the regulations contained in this part are hereby revised to read as set forth in the FEDERAL REGISTER of December 22, 1951 (16 F. R. 12909) and as set forth below.

Sec.

AUTHORITY: §§ 525.1 to 525.15 issued under sec. 11, 14, 52 Stat. 1066, 1068; 29 U. S. C. 211, 214.

§ 525.1 *Definitions.* As used in this part:

(a) "Sheltered workshop" or "workshop" means a charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and of providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature.

(b) "Handicapped client" or "client" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury, and who is being served in accordance with the recognized rehabilitation program of a sheltered workshop within the facilities of such agency or in or about the home of a client.

§ 525.2 *Advisory Committee on Sheltered Workshops.* (a) The Advisory Committee on Sheltered Workshops as constituted by Administrative Order No. 405 and subsequent orders shall advise and make recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments of the same from time to time and for such other purposes as may be desired by the Administrator.

(b) The Administrator or his authorized representative shall notify the Advisory Committee on Sheltered Workshops, through a member designated by the Committee, prior to the denial or cancellation of any certificate under §§ 525.5, 525.7 or 525.11 and shall afford the committee 15 days, or such additional time as the Administrator may allow, to present its views. The Administrator or his authorized representative shall also afford the Committee an opportunity to present its views in connection with any petition for review filed under § 525.12, any hearing held under § 525.13, or any petition for amendment of this part filed under § 525.15.

§ 525.3 *Application for special certificate.* (a) Application may be filed by any sheltered workshop with the appropriate Regional Office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, for a special certificate permitting the payment of wages lower than the minimum wage required under section 6 of the Fair Labor Standards Act of 1938, as amended, to handicapped clients engaged in interstate commerce or in the production of goods for interstate commerce. Application forms may be obtained from the appropriate Regional Office of the Wage and Hour and Public Contracts Divisions.

(b) The applicant shall set forth in his application, among other things, a description of the types of handicapped clients accepted by the sheltered workshop, a description of the types of work and the rehabilitation services offered by the workshop, and the earnings of each handicapped client who is unable to earn the minimum required under section 6 of the Fair Labor Standards Act. The application shall be signed by a duly authorized official of the workshop.

§ 525.4 *Factors for consideration.* The following factors may be considered by the Administrator or his authorized representative in determining the necessity of issuing a special certificate and the conditions to be specified therein:

(a) The present and previous earnings of handicapped clients of the workshop;

(b) The general nature and extent of the handicaps of clients served by the workshop;

(c) The wages of non-handicapped employees employed in private industry engaged in work comparable to that performed in the workshop;

(d) The cost, value, duration, and types of rehabilitative, medical, educational, therapeutic, and social work services given to handicapped clients;

(e) The tuition, fees, or other charges made by agencies other than workshops for similar types of services;

(f) The extent to which handicapped clients, other individuals, governmental agencies, or other organizations may pay dues, fees, or other monies to the workshop;

(g) The extent to which clients share, through services or wages, in the receipts for work done in the workshop;

(h) The extent to which the handicapped clients may also be learners or otherwise inexperienced;

(i) Whether there exists any workshop-customer arrangement which constitutes an unfair method of competition in commerce and which tends to spread or perpetuate substandard wage levels.

§ 525.5 *Issuance of special certificate.* (a) If the application and other available information indicate that the applicant is a sheltered workshop within the meaning of § 525.1 (a), and that the clients of the workshop are paid commensurate with their productivity at the prevailing rates in the vicinity in regular commercial industry maintaining approved labor standards for the type of work being performed, the Administrator or his authorized representative, to the extent necessary in order to prevent curtailment of opportunities for employment, shall issue a special certificate authorizing the employment of handicapped clients under the terms and conditions set forth therein, at wages lower than the minimum required under section 6 of the Fair Labor Standards Act. Otherwise he shall deny a special certificate.

(b) A special certificate may be issued for an individual handicapped client, a division of the workshop, the entire workshop, or any combination thereof.

§ 525.6 *Terms of special certificate.* (a) A special certificate shall specify the terms and conditions under which it is granted.

(b) A special certificate shall apply to every handicapped client of the sheltered workshop, or division thereof, for which a special certificate is granted.

(c) A special certificate shall be effective for a period to be designated by the Administrator or his authorized representative. Clients may be paid subminimum wages only during the effective period of a special certificate.

(d) A special certificate may provide a minimum wage rate below which a client may not be paid during a specified period, designated as "evaluation period", to determine a client's capacities in relation to his disabilities. Such rate may apply during the evaluation period specified to a client who has never previously been accepted by the workshop, or to a client who has returned to the workshop after such period of separation as would require reevaluation. The same minimum wage rate may also apply, if so provided in the special certificate, to an additional period or periods, designated as "training period(s)", to allow for job-training. Such rate may apply during the training period(s) specified to a client who has never previously worked in the workshop, to a client who is transferred to a job in the workshop in which he has never previously worked, or to a client who has returned to the workshop after such period

of separation as would require retraining.

(e) A special certificate may provide a minimum wage rate for the workshop or minimum wage rates for divisions of the workshop below which a client may not be paid following completion of the specified evaluation and training periods, unless a lower special individual wage rate has been authorized in such special certificate for a client who is unable to earn the workshop or applicable division minimum wage rate.

(f) The wage rates paid clients working at piece rates shall not be less than the piece rates paid non-handicapped employees in the same work in the vicinity in regular commercial industry maintaining approved labor standards. The wage rates paid clients working at time rates shall be based on the prevailing rates in the vicinity in regular commercial industry maintaining approved labor standards, taking into account the type, quality, and quantity of the work produced by the client. In no instance, however, shall wage rates be less than the minimum rate(s) specified in the special certificate as provided in paragraphs (d) and (e) of this section.

(g) Clients of the workshop shall be paid not less than time and one-half the regular rate for all hours over forty worked in the workweek, as provided in the Fair Labor Standards Act.

(h) The terms of any special certificate may be amended for cause upon request of the sheltered workshop or handicapped client or upon the initiative of the Administrator or his authorized representative.

§ 525.7 *Renewal of special certificate.* (a) Application may be filed for renewal of any special certificate.

(b) If an application for renewal has been properly filed prior to the expiration date of a special certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Handicapped clients may be paid subminimum wages after notice that the application for renewal has been denied, if review of such denial is requested in accordance with § 525.12: *Provided, however,* That if the denial is affirmed on review, the sheltered workshop shall reimburse any person covered by the special certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the date as of which the renewal of the special certificate was denied.

§ 525.8 *Workers other than handicapped clients in sheltered workshops.* No individual who is not a handicapped client within the meaning of § 525.1 (b) shall be employed under any special certificate issued pursuant to this part at wages lower than the minimum required under section 6 of the Fair Labor Standards Act.

§ 525.9 *Industrial homework.* A special certificate issued pursuant to this part authorizes a sheltered workshop to employ a handicapped client in or about a home, apartment, tenement, or room in a residential establishment, without the necessity of obtaining a special industrial homeworker's certificate for such client under regulations of the Administrator governing the employment of industrial homeworkers; nor shall it be necessary for a sheltered workshop to obtain a special industrial homeworker's certificate for clients working in or about a home, apartment, tenement, or room in a residential establishment, who are earning the minimum required under section 6 of the Fair Labor Standards Act.

§ 525.10 *Records to be kept.* (a) Every sheltered workshop shall keep, maintain, and have available for inspection by the Administrator or his authorized representative at all times a record of the nature of each client's handicap, and in addition the records required under all of the applicable provisions of Part 516 of this chapter, except that any provisions pertaining to homeworker's handbooks shall not be applicable to clients of a sheltered workshop working in or about a home, apartment, tenement, or room in a residential establishment.

(b) Every sheltered workshop engaged in interstate commerce or in the production of goods for interstate commerce shall at all times post a poster, as prescribed by the Administrator, in a conspicuous place in the workshop where it may be observed readily by the handicapped clients and other workers in the workshop.

§ 525.11 *Cancellation of special certificate.* (a) The Administrator or his authorized representative may cancel any special certificate for cause. A special certificate may be cancelled (1) as of the date of issuance, if it is found that fraud has been exercised in obtaining the special certificate or in permitting a handicapped client to work thereunder; (2) as of the date of violation, if it is found that any of the provisions of the act or of the terms of the special certificate have been violated; or (3) as of the date of notice of cancellation, if it is found that the special certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part have not been complied with.

(b) If a petition for review is filed under § 525.12, the effective date of the cancellation shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed on review, the workshop shall reimburse any person covered by the special certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the date as of which the special certificate was cancelled as provided in paragraph (a) of this section.

(c) Except in cases of wilfulness or those in which the public interest requires otherwise, before any special certificate shall be cancelled, facts or conduct which may warrant such action shall be called to the attention of the sheltered workshop in writing and it shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 525.12 *Review.* Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 15 days or such additional time as the Administrator may allow, file with the Administrator a petition for review of the action complained of setting forth grounds for seeking review. Such review, if granted, shall be made either by the Administrator or by an authorized representative who took no part in the action under review and all interested parties shall be afforded an opportunity to present their views.

§ 525.13 *Submission of information, investigations, and hearings.* The Administrator or his authorized representative may require at any time the submission of such information, other than that specified elsewhere in this part, as is deemed appropriate, or may conduct an investigation, which may include a public hearing, prior to taking any action pursuant to this part. Interested persons shall be given notice of any such hearing by publication in the FEDERAL REGISTER or by mail and shall be afforded an opportunity to present their views.

§ 525.14 *Relation to other laws.* Nothing contained in this part shall be construed as authorizing any act that is contrary to any Federal or State law or municipal ordinance.

§ 525.15 *Amendment of this part.* The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

This revision shall become effective February 11, 1952.

Signed at Washington, D. C., this 9th day of January 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-466; Filed, Jan. 11, 1952; 8:48 a. m.]

PART 545—HOMEWORKERS IN THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

On December 6, 1951, new minimum piece rates were added to § 545.14, Schedule B (published in the FEDERAL REGISTER on December 12, 1951, 16 F. R. 12503). Such minimum piece rates apply to the hand-cutting of machine-embroidered, shallow, curved scallops. It is now necessary to further amend this part in order to make clear that such new minimum piece rates apply only when the operations described are performed on handkerchiefs or square scarves, but do not apply when they are performed on household art linens.

Accordingly, in § 545.14, Schedule B, the description of operations which appears immediately preceding operation No. 187.4 is amended in the following manner. It now reads:

Non-Hand-Sewing-Operations

Hand-cutting machine-embroidered, shallow, curved scallops:

This language is amended to read as follows:

Non-Hand-Sewing-Operations

Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:

In view of the nature of this amendment, and the need to make this amendment effective simultaneously with the new minimum piece rates in question, it is considered impracticable and unnecessary to comply with the requirements of section 4 of the Administrative Procedure Act.

The above amendment shall become effective January 14, 1952.

(Sec. 3, 54 Stat. 616, as amended; 29 U. S. C. 206)

Signed at Washington, D. C., this 8th day of January 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-450; Filed, Jan. 11, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 56, Supplementary Regulation 4]

CPR 56—CEILING PRICES FOR CERTAIN PROCESSED FRUITS AND BERRIES OF THE 1951 PACK

SR 4—CANNED AND BOTTLED DOMESTIC RIPE OLIVE ADJUSTMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 4 to Ceiling Price Regulation 56 is hereby issued.

STATEMENT OF CONSIDERATIONS

Processors of domestic ripe olives have represented to the Office of Price Stabilization that their ceiling prices established under CPR 56 do not meet the requirements of the Capehart Amendment to the Defense Production Act of 1950. It was contended that ceiling prices calculated under CPR 56 are lower than either the prices prevailing during the period, January 25–February 24, 1951, or the prices prevailing just before the issuance of Amendment 6 to CPR 56 which added domestic ripe olives to that regulation.

The domestic ripe olive processing industry has submitted data concerning prices for the designated Capehart dates and also covering cost increases incurred by the industry since the pre-Korean period in 1950. This survey represents approximately 90 percent of the 1950–1951 pack and centers around the No. 1 tall and No. 10 can sizes which constitute over 75 percent of the pack. The data submitted show that ceilings established under CPR 56 for domestic ripe olives were roll-backs from the price level required by the Capehart Amendment.

An examination of canned olive ceiling prices established under CPR 56 shows a wide dispersion of individual prices for any given size of product. This wide range of ceiling prices for a particular item makes it extremely difficult to attempt an adjustment by a flat across-the-board increase. It further appears that a substantial number of packers customarily follow the price lists issued by the leading packer of domestic ripe olives.

It was accordingly determined to use the prices from this processor's October 1951 price list as the dollars-and-cents low-end adjustment prices which are provided in this supplementary regulation. The prices so fixed approximate the adjustment which would be allowable if individual factors were used to compute arithmetically a low-end series of adjustment factors. The adjustment allowed will return to the domestic ripe olive canning industry the price level required by the second sentence of the Capehart Amendment. The average price level after the low-end adjustment is taken will be approximately 3½ percent above the CPR 56 price level.

The Director of Price Stabilization has consulted with the representatives of the industry before issuing this supplementary regulation and has given consideration to their recommendations. In the judgment of the Director the ceiling prices and provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjusted ceiling prices for canned domestic ripe olives.
3. Pricing items for which dollars-and-cents prices are not fixed.
4. Sales under Ceiling Price Regulation 56.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies ceiling prices for domestic ripe olives as established under Ceiling Price Regulation 56 by allowing processors of canned domestic ripe olives to increase their ceiling prices established under that regulation to the specific dollars-and-cents amounts named in section 2 of this supplementary regulation. Ceiling prices for items of canned and bottled domestic ripe olives for which dollars-and-cents prices are not named in section 2 may be calculated under the provisions of section 3 of this supplementary regulation.

SEC. 2. *Adjusted ceiling prices for canned domestic ripe olives.* If your ceiling price per dozen containers for an item of canned domestic ripe olives as established under CPR 56 without reference to this supplementary regulation is below the following appropriate amount you may increase it to such amount. If your ceiling price per dozen containers for any item of canned domestic ripe olives as established under CPR 56 without reference to this supplementary regulation is above the following appropriate amount you are not required to lower such ceiling price.

ADJUSTED CEILING PRICES FOR RIPE OLIVES
[Per dozen containers]

Size of olive	No. 1 T can size	No. 10 can size
Small	$2.10	$13.66
Medium	2.40	15.50
Large	2.55	16.50
Extra large	2.70	17.50
Mammoth	2.95	19.00
Giant	3.20	20.80
Jumbo	3.40	22.00
Colossal	3.70	24.00
Super colossal	4.25	27.50

SEC. 3. *Pricing items for which dollars-and-cents prices are not fixed.* If you are a processor of an item of canned or bottled domestic ripe olives which differs from any item listed in section 2, you may calculate your ceiling price for such item under the provisions of section 4 of CPR 56 without reference to this supplementary regulation, or you may calculate your adjusted ceiling price under this supplementary regulation using the methods provided by section 4 of CPR 56. If you choose to price the item under this supplementary regulation you shall use as your comparison item in figuring your ceiling price under section 4 of CPR 56 an item for which you have adjusted the ceiling price in accordance with this supplementary regulation.

If you are unable to use the provisions of section 4, you shall use the provisions of section 6 or 7 (in that order) of CPR 56.

SEC. 4. *Sales under Ceiling Price Regulation 56.* Processors of the products covered by this supplementary regulation may continue to sell items of canned and bottled domestic ripe olives at or below the ceiling prices calculated under CPR 56 without reference to the provisions of this supplementary regulation.

All provisions of Ceiling Price Regulation 56 not inconsistent with this supplementary regulation remain in full force and effect.

Effective date. This supplementary regulation shall become effective on January 11, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 11, 1952.

[F. R. Doc. 52-558; Filed, Jan. 11, 1952; 11:42 a. m.]

[Ceiling Price Regulation 61, Amdt. 2]

CPR 61—EXPORTS

PRICING AND REPORTING BY EXPORTERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 61 is hereby issued.

STATEMENT OF CONSIDERATIONS

The administration of Ceiling Price Regulation 61, the export regulation, has revealed the need for broadening the scope of the regulation to cover certain transactions not previously covered, for revising certain of the procedures under which those engaged in the export trade may determine their ceiling prices, and for clarifying the meaning or application of certain provisions of the regulation. Amendment 2 to CPR 61 is designed to meet those needs in a manner consistent with the objectives set forth in the statement of considerations which accompanied CPR 61.

The scope of the regulation is broadened by making it applicable to sales from the continental United States to the territories and possessions of the United States. Supplementary Regulation 1 to CPR 61 will deal specifically with and govern ceiling prices for such sales and shipments. The first two sections of the regulation are being changed at this time in order to coordinate this regulation with Supplementary Regulation 1. The supplementary regulation will set out pertinent pricing provisions adapted to sales and shipments to the territories and possessions from the continental United States. Ceiling prices on sales and shipments from the territories and possessions of the United States to foreign destinations which previously were determined under CPR 61 will now be governed by General Ceiling Price Regulation unless ceiling prices for such sales or shipments are now or hereafter established more specifically by a numbered ceiling price regulation.

Producer exporters who sell a commodity in the export trade only, and have no domestic ceiling price for it, are now offered alternative methods of pricing. They may now use their General Ceiling Price Regulation export price as their export price under CPR 61, or they may establish an export price constructed on a base price substitute for a domestic ceiling price. They are required to secure approval for the use of this substitute price or their General Ceiling Price Regulation export price on application to the Office of Price Stabilization. The substitute domestic base price will be determined under either the General Ceiling Price Regulation, or any one of the numbered ceiling price regulations applicable to producers of the commodity for which the price is being sought. To this substitute domestic base price the seller may add any markup he is permitted under section 6 of the regulation as well as his costs of exportation. These changes are necessary, if a fair and equitable method of determining ceiling prices is to be provided for producer exporters manufacturing a commodity solely for the export market.

Amendment 2 also changes the definition for "producer exporter" and "you or person" to permit a company together with its subsidiaries and related companies, to consider themselves as one entity for the purpose of pricing and reporting under the regulation. They may determine and report one markup for the entire company or companies. Moreover, if one of the members of the group is a producer of the commodity that is exported or sold for export, the selling member will then be treated as a producer exporter for the purpose of this regulation. This change in the regulation recognizes the reality of certain inter-company dealings of related companies trading with each other. This change of definition should simplify for certain companies the administration of the export regulation by making clear that only one filing is necessary by a group of integrated companies engaged in the export trade. However, where a group of such related companies chooses to be considered as one unit, the ceiling price for the first sale to a foreign buyer is controlled by this regulation.

Merchant exporters may now, by virtue of the amendment, apply their domestic ceiling prices to their export sales or their sales for export. The purpose of this change is to permit such merchants to export a commodity on as favorable a ceiling price basis as they have on ceiling prices in the domestic market. In numerous instances the previous ceiling prices on export transactions did not permit this.

Different representative calendar quarters may be used in calculating the markups of commodities classified and specified in commodity groupings of Schedule B of the Department of Commerce. This provision is designed to eliminate serious difficulties encountered under the previous regulation. The one representative quarter to which exporters were previously restricted was in some important instances not representative for all commodities. Special factors of competition, accommodation or seasonal demand during one quarter often resulted in little or no markup on certain commodities handled by the exporter. Exporters, therefore, did not have normal markups and were forced to rollbacks on certain of their exports. The permissible use of alternative quarters is consistent with the objectives of allowing reasonable markups on exports and not compelling exporters to handle certain transactions with little or no profit or to forego such business.

The sections on sales for export and multiple handling are amended and clarified to allow producer exporters to take their base period markup on their sales for export without application to the Office of Price Stabilization for approval. However, a merchant exporter who buys a commodity from another merchant exporter and who wishes to take an export markup in selling it for export, must obtain permission to do so on application and order. This restriction on the freedom of merchant exporters to take a markup on sales for export is intended to prevent unwarranted increases in export prices as a result of the pyramiding of markups on goods which pass through the hands of more than one merchant exporter.

The definition of "product line" has been changed. It will now be possible for persons establishing their markups under the regulation to average their markup on the various commodities in a product line.

The definition of "base period domestic selling price" has been modified to require calculations under section 5 to be made on the basis of the domestic selling price in the base period prevailing at the time of the comparable export sales or sales for export used in the section 5 calculations.

Another change in definitions has the effect of recognizing as "merchant exporters" only those persons who regularly make export sales.

The amendment makes plain that exporters who are not entitled to, or whose present sales policy is not to take, an export markup on their export sales or sales for export, must, nevertheless, report this fact to the Office of Price Stabilization.

Although the amendment deletes the provision of section 5 (b) which stated that producer exporters whose customary practice was to take no markup under certain circumstances may not take a markup under CPR 61, this deletion does not make any change whatever in substance. The same result is required by other sections of CPR 61, as amended, (sections 3 (b) and 5).

The section on duties and taxes has also been clarified. Exporters who, during the base period under their established and uniform practice took refunds of import duties and savings of excise taxes for their own account, may continue to do so.

Formal consultation with representatives of industry has not been practicable although many individual views expressed informally to this Office have been taken into account in formulating this amendment.

AMENDATORY PROVISIONS

Ceiling Price Regulation 61 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation provides a formula for computing ceiling prices for commodities which are exported or sold for export from the continental United States.

2. Section 2 is amended to read as follows:

SEC. 2. *Applicability and prohibitions*—(a) *Applicability.* This regulation is applicable to the exportation of commodities from the continental United States. Exports from a territory or possession of the United States are not covered by this regulation, as amended. Such exports from a territory or possession are subject to the General Ceiling Price Regulation unless they are now, or until they are hereafter, covered by a numbered ceiling price regulation.

This regulation applies to all export sales and sales for export except those sales specifically exempt from price control under any regulation issued by the Director of Price Stabilization. However, the provisions of the following enumerated regulations and of all subsequent regulations will continue in effect insofar as they expressly may apply to export sales or sales for export:

Section 14 of the General Ceiling Price Regulation; Supplementary Regulation 8 to the General Ceiling Price Regulation, dealing with coal exporters; Sup-

plementary Regulation 9 to the General Ceiling Price Regulation, dealing with export commitments entered into before February 2, 1951; Supplementary Regulation 34 to the General Ceiling Price Regulation, dealing with beef sausage; Ceiling Price Regulation 5 on iron and steel scrap; Ceiling Price Regulation 8 on upland cotton; Ceiling Price Regulation 19 on tungsten concentrates; Ceiling Price Regulation 24 on wholesale beef; Ceiling Price Regulation 28 on new cotton, linen and underwear cuttings; Ceiling Price Regulation 29 on scrap materials containing nickel; Ceiling Price Regulation 33 on tungsten products; Ceiling Price Regulation 36 on used steel drums; Ceiling Price Regulation 43 on zinc scrap; Ceiling Price Regulation 46 on copper and copper alloy scrap; Ceiling Price Regulation 47 on brass mill scrap; Ceiling Price Regulation 49 on wood pulp; Ceiling Price Regulation 53 on lead scrap; Ceiling Price Regulation 54 on aluminum scrap; Ceiling Price Regulation 59 on scrap rubber; and Ceiling Price Regulation 74 on pork sold at wholesale.

(b) *Prohibitions.* On and after the effective date of this regulation, (1) you shall not export or sell for export any commodities covered by this regulation at prices higher than the ceiling prices fixed by this regulation; (2) you shall not buy or receive for export in the course of trade or business any commodity covered by this regulation at prices higher than the ceiling prices fixed by this regulation; and (3) you shall not agree, offer, solicit or attempt to do anything prohibited in this regulation. Nothing in this regulation shall prohibit your use of any customary and reasonable invoicing practice: *Provided*, That (i) you do not retain for your own account, directly or indirectly, any amount in excess of the ceiling price allowed under this regulation and (ii) you first obtain written approval from the OPS National Office for the invoicing to your foreign buyer's customer or anyone else of a price which exceeds your ceiling price under this regulation.

3. Section 2 is amended by adding section 2 (c) to read as follows:

(c) *Sales between companies under common control.* Except in respect to companies integrated or related solely for the purposes of the Webb-Pomerene Act (Act of April 10, 1918, c. 50, 40 Stat. 516; 15 U. S. C. Sec. 61–65) this regulation permits integrated or related companies, which are domiciled in the United States, when the companies are either directly or indirectly under common control, or when their relationship is that of parent and subsidiary to: (1) Notify the OPS National Office in writing that they choose to consider all of such integrated or related companies as a unit so that inter-company transactions will not be subject to the provisions of this regulation; or (2) continue such inter-company transactions on the same basis as though each company in the group were independent and in all respects subject to the provisions of this regulation. If integrated or related companies choose option (1) under this section then this regulation applies to the sale or shipment by such integrated or related companies to the first subsidiary, related or independent company or buyer, domiciled outside the United States, its territories or possessions.

4. Section 3 (a) is amended to read as follows:

SEC. 3. *Formula for export sales*—(a) *Merchant Exporters.* If you are a merchant exporter, your ceiling price on the export sale of any commodity covered by this regulation to any class of buyer shall be either (1) the domestic ceiling price of your supplier applicable to you at point of delivery, plus a percentage markup used in the base period, January 1, 1949–June 30, 1950, calculated in accordance with section 5 of this regulation, or (2), your domestic ceiling price to a buyer of the same class. You may add to either of these prices, the costs of exportation incurred by you in connection with such sale.

If you made no base period sales of the commodity or product line you are pricing to buyers of the class for which you are pricing, your base period percentage markup, when allowed under this section, shall be calculated in accordance with, and otherwise be subject to, section 6 of this regulation.

5. Section 3 (b) (2) is amended to read as follows:

(2) If you are a producer exporter who sells the commodity you are pricing exclusively in the export trade, and you have no domestic ceiling price for it, you shall determine your export ceiling price in one of the following ways:

(i) You may use your export ceiling price under the General Ceiling Price Regulation as part of your export ceiling price under Ceiling Price Regulation 61; or

(ii) You may use a substitute price in lieu of a domestic ceiling price for the purpose of calculating your export ceiling price under CPR 61. This substitute domestic price shall be determined in accordance with the General Ceiling Price Regulation, or any other price regulation applicable to producers of the commodity you are selling, even though you are not pricing, and do not intend pricing any commodity for domestic sales under that regulation. To this substitute domestic price you may add a markup established in accordance with section 6, as well as the costs of exportation incurred by you in connection with such a sale.

Before you sell at the export ceiling price determined above under this section, you must apply in writing to the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., setting forth fully the price (including GCPR or substitute domestic) and the method and regulation used to establish it. Unless your proposed export ceiling price is rejected by the Office of Price Stabilization within ten days of the postmarked date of your letter, you may proceed with sales until advised to the contrary. If you have, on January 16, 1952, an export ceiling price approved under this regulation for a commodity sold by you exclusively in the export trade, you may continue to use that ceiling price until you establish another price under this section.

6. Section 4 is amended to read as follows:

SEC. 4. *Formula for sales for export*—(a) *Merchant exporters.* If you are a merchant exporter (seller) your ceiling price on the sale for export of any commodity covered by this regulation and sold by you also in the domestic market shall be your domestic ceiling price at point of delivery to a buyer of the same class as the merchant exporter (buyer) for which you are pricing. If the commodity is sold by you exclusively in the export trade, your ceiling price may include either (1) your cost of acquisition plus a markup computed under section 5, or (2) your domestic ceiling price at point of delivery if you were to make a domestic sale to a buyer of the same class as the merchant exporter for which you are pricing. You may add to any of the above prices, the costs of exportation incurred by you in connection with such sale. This paragraph is strictly limited by the provisions of section 7 (*Restrictions on multiple handling*) which you should read together with this paragraph.

(b) *Producer exporters.* (1) If you are a producer exporter, your ceiling price for the sale for export of any commodity covered by this regulation may include your domestic ceiling price at point of delivery to a buyer of the same class as the merchant exporter for which you are pricing, plus a percentage markup used in the base period and calculated under section 5. You may add to this price the costs of exportation incurred by you in connection with such sale.

(2) If you are a producer exporter who sells the commodity you are pricing exclusively in the export trade, and you have no domestic ceiling price for it, you shall determine your ceiling price on a sale for export in one of the following ways:

(i) You may use your ceiling price on sales for export under the General Ceiling Price Regulation as part of your ceiling price on sales for export under Ceiling Price Regulation 61; or

(ii) You may use a substitute price in lieu of a domestic ceiling price for the purpose of calculating your ceiling price on sales for export of the commodity. This substitute domestic ceiling price shall be determined under the General Ceiling Price Regulation or any other price regulation applicable to producers of the commodity you are selling, even though you are not pricing, and do not intend pricing any commodity for domestic sales under that regulation. To this substitute price you may add a markup established in accordance with section 6, as well as the costs of exportation incurred by you in connection with such sale.

Before you sell at the export price determined above under this section, you must apply in writing to the Office of Price Stabilization, Export - Import Branch, Washington 25, D. C., setting forth fully the price (including GCPR or substitute domestic) and the method and regulation used to establish it. Unless your proposed price on a sale for

export is rejected by the Office of Price Stabilization within ten days of the postmarked date of your letter, you may proceed with sales until advised to the contrary. If you have, on January 16, 1952, a ceiling price on your sales for export approved under this regulation for a commodity sold by you exclusively in the export trade, you may continue to use that price until you establish another ceiling price under this section.

7. Section 5 (a) (1) is amended to read as follows:

(1) You shall choose from the base period any representative calendar quarter you wish for each of the groups of commodities set forth in Schedule B of the Department of Commerce,—A Statistical Classification of Domestic and Foreign Commodities exported from the United States,—dated January 1, 1949, as supplemented. These groups are: Group 00—Animals and Animal Products, edible; Group 0—Animals and Animal Products, inedible; Group 1—Vegetable Food Products and Beverages; Group 2—Vegetable Products, inedible except Fibers and Wood; Group 3—Textile Fibers and Manufactures; Group 4—Wood and Paper; Group 5—Non-metallic Minerals; Group 6—Metals and Manufactures, except Machinery and Vehicles; Group 7 — Machinery and Vehicles; Group 8—Chemicals and Related Products; and Group 9 — Miscellaneous. However, you may use the same representative quarter for all, or any number of these groups. If you had no sales of the commodity or product line being priced during the representative quarter chosen by you for the group to which the commodity belongs, you shall take your sales for that commodity or product line in a quarter of the base period nearest in time to that representative quarter.

If you have, on January 16, 1952, a markup calculated in accordance with section 5 of this regulation, you may continue to use that markup. You may, however, re-calculate your markup, using the different quarters as authorized under this section.

If you recalculate or determine for the first time your markup under this section, your report to the Office of Price Stabilization under this regulation must identify the grouping as enumerated and described in this section.

8. Section 5 is further amended by striking out paragraphs (b) and (c).

9. Section 5 (d) is renumbered to become section 5 (b), and is amended to read as follows:

(b) In every case where you, whether merchant exporter or producer exporter, calculate for the first time the percentage markup you are going to use or do use in the export sale or sale for export of a commodity or product line covered by this regulation, you shall furnish the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., with the following information in duplicate:

(1) The commodity or product line, including a list of the commodities in the product line;

(2) Whether you are a merchant exporter, or a producer exporter, or both, in respect to each commodity or product line listed;

(3) The class of buyer;

(4) Whether an export sale or sale for export;

(5) Your representative calendar quarter; and

(6) The percentage markup you are permitted to use under this regulation.

(7) If you are not permitted to take a markup, or it is not your present sales policy to take a permissible markup on your export sales or sales for export, you are nevertheless required to report this fact.

This information shall be reported within fifteen days after your first sale of the commodity or product line under this regulation, and may be provided on OPS Public Form No. 72 available at any office of the Office of Price Stabilization. Once you have furnished such information for the sale of a particular commodity or product line to a particular class of buyer, you need not again advise the Office of Price Stabilization with respect to your pricing of that type of sale.

10. Section 7 is amended to read as follows:

SEC. 7. *Restrictions on multiple handling.* If you are a merchant exporter making a sale for export of a commodity purchased by you from another merchant exporter, you may not sell at a markup over your domestic ceiling price or your cost of acquisition, whichever is higher, except upon approval of your application for such a markup by the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C. This application shall set out your proposed new ceiling price (including a separate statement of your cost of acquisition, your domestic ceiling price and your proposed markup) and a full justification for your proposed new ceiling price. The Office of Price Stabilization will not allow such markups in the absence of a very clear showing of necessity which is also supported by the customary and reasonable past practice of the applicant.

11. Section 9 is amended to read as follows:

SEC. 9. *Refunds of duties and taxes.* If you are a producer exporter or a merchant exporter, and are computing a ceiling price under section 3 or 4 of this regulation for export sales or sales for export of any commodity covered by this regulation, to the extent provided herein you shall in the case of the producer exporter, subtract from your applicable domestic ceiling price f. o. b. your plant, and in the case of the merchant exporter subtract from the domestic ceiling price of your supplier or from your domestic ceiling price:

(a) The amount of any estimated drawback or refund of import duties or excise taxes less the cost incurred in obtaining such amount;

(b) The amount of any excise tax not paid upon a commodity to be exported or sold for export but included in your applicable domestic ceiling price, if you are a producer exporter, or in your domestic ceiling price, or in the domestic ceiling price of your supplier if you are a merchant exporter;

(c) *Provided, however,* That if it was your established and uniform practice during the base period to receive any of the above refunds or taxes for your own account without reducing your export prices accordingly, you may continue to receive them in accordance with such established and uniform practice.

12. Section 11 is amended by adding section 11 (g) to read as follows:

(g) The provisions of this section referring to export sales also apply to sales for export.

13. Section 15 (a) is amended to read as follows:

(a) *Sellers and buyers*—(1) *Producer exporter.* This term means a person who manufacturers, or produces the commodity he exports or sells for export. A person shall, moreover, be considered a producer exporter if the commodity he sells is manufactured either: (i) By another for his account and to his specification, or (ii) by a parent company, by a controlled producer subsidiary, or by any producer company, controlled directly or indirectly by a common parent.

(2) *Merchant exporter.* This term means a person who is not a producer exporter but who in the normal course of business exports commodities purchased by him for his own account.

(3) *Exporter.* This term means any person selling a commodity, either directly or through an agent, for delivery or shipment to any place outside the continental United States.

(4) *Class of buyer.* This term means that group of persons to which you sell commodities covered by this regulation and which you distinguish from other groups of buyers with respect to quantity purchased or trade function. In the case of an export sale, the only permissible groupings according to trade function shall be: the United States Government or its agencies; foreign governments or their agents, including foreign government purchasing missions; industrial end users; distributors; wholesalers; retailers; individual consumers; and American firms purchasing for use in foreign field operations. In the case of a sale for export, the only permissible grouping according to function in the trade shall be merchant exporters.

14. Section 15 (b) (4) is amended to read as follows:

(4) *Product line.* This term means all goods of the same general character and use which are normally classed together in your business for purposes of accounting or sales. You may, for example, have your product line, under this regulation, include a line of goods such as one of the following: Cups selling at $0.10–$0.50, all cups, all cups and saucers, all chinaware. You shall list, in your report to the Office of Price Stabilization, all the commodities included in the product line.

15. Section 15 (b) (6) is amended to read as follows:

(6) *Base period domestic selling price.* This term means your (producer export-

er's) domestic selling price during the base period (to the same class of buyer of the commodity). This domestic selling price must be the one you were using at the time of each export sale or sale for export on the basis of which you calculate your markup under section 5 of this regulation.

16. Section 15 (c) (4) is amended to read as follows:

(4) *You or person.* This term includes any individual, corporation, partnership, cooperative association, or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any government or their political subdivisions or agencies. The term corporation includes the parent company, any controlled subsidiary or any company controlled, directly or indirectly, by a common parent. Control (in respect to affiliated companies or business operations) means the ownership, directly or indirectly, of 50 percent or more of the voting rights or beneficial interest in two or more of such companies or business operations.

17. Section 15 (c) (7) and (8) are amended to read as follows:

(7) *Export sale.* This term means a sale of a commodity for direct shipment to a buyer outside the continental United States without resale in the continental United States. Sales to a foreign government purchasing mission, or to an American firm purchasing for use in its foreign field operations shall be considered to be export sales.

(8) *Sale for export.* This term means a sale of a commodity to a buyer located in the continental United States if the commodity is destined for export sale by the buyer.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective January 16, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 11, 1952.

[F. R. Doc. 52-564; Filed, Jan. 11, 1952; 4:00 p. m.]

[Ceiling Price Regulation 61, Supplementary Regulation 1]

CPR 61—EXPORTS

SR 1—CEILING PRICES FOR EXPORTERS TO TERRITORIES AND POSSESSIONS

Pursuant to the Defense Production Act of 1950 as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this supplementary regulation to Ceiling Price Regulation 61 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 61 is designed to permit persons making sales or shipments from the continental United States to purchasers in a territory or possession of the United States to receive the percentage markup which they received during the base period, January 1, 1949 to June 30, 1950, on their sales of each commodity or product line to each such territory or possession.

Technically and in the dictionary sense shipments to territories and possessions may not be "exports." Some exporters, however, ship both to foreign markets and to the territories and possessions. Many of them handle both types of shipments in their "export departments". For convenience only, shipments to territories and possessions are being designated "exports" although territories and possessions are more widely regarded as part of the domestic market than otherwise.

Producer and merchant exporters shipping to territorial purchasers or receivers are permitted to calculate their markups pursuant to the provisions of section 5 of CPR 61, except that the markup is to be calculated separately for each territory and possession. A markup may be received on sales of a commodity or product line to a particular territory or possession only if such a markup was received by the producer or merchant exporter during the base period. If he had no markup in the base period, the producer or merchant exporter may apply to the Office of Price Stabilization for a markup but he may not take it unless he first obtains the approval of OPS.

Those who ship a commodity customarily to a territory or possession without special markup must continue to do so. Such shippers, however, have the choice of determining their applicable ceiling prices and related obligations either exclusively under this supplementary regulation or exclusively under the applicable domestic ceiling price regulation, if any.

Formal consultation with representatives of industry has not been practicable but many individual views expressed informally to this Office requested action in the nature of this supplementary regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Sales to territorial purchasers.
3. Exporters who apply under section 6 of CPR 61.
4. Shippers to territories and possessions whose prices are customarily the same as their domestic prices.
5. Definitions.
6. Miscellaneous.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides a method for determining ceiling prices on sales or shipments made by a seller or shipper of a commodity shipped or to be shipped from the continental United States to a purchaser or receiver in a territory or possession of the United States when the commodity sold is not physically located in a territory or possession at the time of sale.

SEC. 2. *Sales to territorial purchasers.* If you sell or ship a commodity, shipped or to be shipped from the continental United States and not physically located in the territory or possession at the time of such sale or shipment, to a buyer or receiver in a territory or possession of the United States, you may take on that sale or shipment a markup not in excess of the percentage markup taken by you during the base period on sales of that commodity or product line to that particular territory or possession. The markup is to be calculated under section 5 of Ceiling Price Regulation 61 as modified by this supplementary regulation. The markup on sales of a commodity or product line shall be calculated separately for each territory or possession. You may include in your export ceiling price on such sales the costs of exportation incurred by you in connection with the sales.

SEC. 3. *Shippers who apply under section 6 of CPR 61.* A shipper to a territory or possession who made no shipments of a particular commodity or product line during the base period may apply for a markup under section 6 of CPR 61. The applicant shall also state the commodities or product lines previously shipped to the territories and possessions and the customary markups if any on such commodities or product lines shipped to each territory and possession. Until the application has been specifically approved by order of the Office of Price Stabilization, no markup may be taken by the applicant.

SEC. 4. *Shippers to territories and possessions whose prices are customarily the same as their domestic prices.* If you customarily shipped a commodity to a particular territory or possession without markup above your domestic price you must continue to do so. If under those circumstances you wish to determine your ceiling prices for a commodity, shipped to a territory or possession, and related obligations under an applicable domestic ceiling price regulation you may do so without regard to this supplement or CPR 61.

SEC. 5. *Definitions.* The terms used in this Supplementary Regulation to CPR 61 shall be construed in the following manner:

(a) "Territory or possession" or "territory or possession of the United States" means Alaska, Guam, Hawaii, Puerto Rico, Samoa, and the Virgin Islands.

(b) "Time of sale" means the time at which the parties make a legally binding agreement to buy and sell or to ship and receive.

(c) "Applicable domestic ceiling price" means ceiling price established by the Office of Price Stabilization for shipment to the territories and possessions.

SEC. 6. *Miscellaneous.* Except as herein modified, all the provisions of CPR 61 remain in effect with reference

to sales made under this supplementary regulation.

Effective date. This supplementary regulation to CPR 61 shall become effective time on January 16, 1952.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 11, 1952.

[F. R. Doc. 52-565; Filed, Jan. 11, 1952; 4:00 p. m.]

[Ceiling Price Regulation 91, Amdt. 1]

CPR 91—WRITING PAPER AND OTHER FINE PAPER

MISCELLANEOUS MINOR CORRECTIONS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 91 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes miscellaneous minor corrections to Ceiling Price Regulation 91 correcting inadvertent typographical errors and making two changes designed to bring certain of the regulatory provisions into conformance with established industry practices. The latter two changes are (1) to increase from 5 to 8 cents per 500 sheets the permitted charge for cutting rag content onionskin and manifold paper and related grades to small sizes and (2) to establish a single price classification for No. 2 watermarked and No. 2 unwatermarked chemical wood pulp onionskin and manifold paper. Both of these changes have been made because representative producers of the affected grades of paper have conclusively demonstrated that they are necessary to bring these provisions of the regulation into agreement with the established industry practices. Many of the inadvertent typographical errors have been called to the attention of the Office of Price Stabilization by members of the industry concerned in this regulation. In view of the corrective nature of all of these changes and the consultation with individual members of the industry it was not practical nor necessary to consult with the Industry Advisory Committee.

AMENDATORY PROVISIONS

Ceiling Price Regulation 91 is amended in the following respect:

1. In section 6 (a) *Identification of grades*, change the word "view" at the beginning of line 6 to "review".

Appendix A—*Rag Content Writing Papers*, is amended in the following respects:

1. In paragraph (a) *Rag content bond papers and related grades*, strike the words "or laid" between "wove" and "ream sealed" but leave a comma between "wove" and "ream sealed".

2. In paragraph (b) *Rag content ledger papers and related grades*, change the fourth line of subparagraph (1) *Base prices* which reads "75 percent rag ledger____ 39.50" to read "75 percent rag ledger____ 39.00".

3. In paragraph (c) *Rag content onionskin and manifold papers and related grades*, the entire caption should read in italics and strike the words "or laid" between "wove" and "ream sealed" but leave a comma between "wove" and "ream sealed".

4. In paragraph (c) (2) (v) *Cutting to small sizes*, change "333 square inches" to "336 square inches."

5. In paragraph (c) (2) (v) *Cutting to small sizes*, change "500 sheets of final cut size____ plus $0.05" to "500 sheets of final cut size____ plus $0.08".

6. In paragraph (c) (2) (v) *Cutting to small sizes*, strike "1,000 sheets of final cut size____ plus .10".

7. In paragraph (g) *Rag content cover papers and related grades*, in line 11 strike "or regular colors", between "white" and "trimmed".

8. In paragraph (g) *Rag content cover papers and related grades*, (iii) *Colors*, insert before the word "Tints", "Regular colors and" so that the sentence reads: "Regular colors and tints: Plus $1.00 per hundredweight".

Appendix B—*Chemical Wood Pulp Writing Papers*, is amended in the following respects:

1. In paragraph (a) *Chemical wood pulp bond papers and related grades*, strike all of subdivision (iii) *Quantity*, including the subcaption and four lines, from the regulation.

2. In paragraph (a) *Chemical wood pulp bond papers and related grades*, subdivision (iv) *Colors* is renumbered subdivision (iii); subdivision (v) *Secondary finishes* is renumbered subdivision (iv); subdivision (vi) *Cutting to smaller sizes* is renumbered subdivision (v).

3. In paragraph (c) *Chemical wood pulp onionskin and manifold papers and related grades*, change the first sentence to read, "The following maximum base prices are for white wove, trimmed, sealed and packed in cartons, for size 17" x 22"."

4. In paragraph (c) subparagraph (1) *Base prices*, change lines two and three of the table dealing with "No. 2 watermarked" and "No. 2 unwatermarked" to a single classification to read "No. 2 watermarked and unwatermarked____ 3.90 ____ 4.10."

5. In paragraph (c) (2) *Differentials*, strike "(i) Quantity. Broken carton or bundle: Plus $0.50 per carton or bundle".

6. In paragraph (c) (2) *Differentials*, subdivision (ii) *Packing* is renumbered subdivision (i); subdivision (iii) *Colors* is renumbered subdivision (ii); subdivision (iv) *Finish* is renumbered subdivision (iii); subdivision (v) *Cutting and sealing* is renumbered subdivision (iv).

7. In paragraph (c) *Chemical wood pulp index bristol and related grades*, (2) *Differentials*—(i) *Finishing and packing*, after "Add the following differentials to appropriately modified base price for the following services when performed", change "Packing rolls, 2,000 to 9,999 pounds (one grade)____ .60" to read "Packing rolls, 2,000 to 9,999 pounds (one grade)____ .50" and change "Packing rolls, 10,000 pounds and over____ .90" to read "Packing rolls, 10,000 pounds and over____ .20".

8. In paragraph (f) *Chemical wood pulp cover papers and related grades*, strike from the second paragraph "and regular colors" so that the sentence reads, "The following maximum base prices are for white, antique or machine finish, trimmed, ream sealed, in standard cartons, in quantities of 4 cartons or more".

9. In paragraph (f) *Chemical wood pulp cover papers and related grades*, (2) *Differentials*, (i) *Finishing and packing*, after the sentence "Add the following differentials to appropriately modified base price for the following services when performed" the first differential should read "Packing in bundles (chipboard top and bottom)____ $0.45".

10. In paragraph (f) *Chemical wood pulp cover papers and related grades*, subparagraph (2) (iii) *Colors*, insert before the word "Tints" the words "Regular colors and" and add the words "per hundredweight" to each price quotation so that the subdivision reads: "Regular colors and tints: Plus $1.00 per hundredweight. Black and deep colors: Plus $5.00 per hundredweight. Red, scarlet and wine, No. 1 cover: Plus $6.00 per hundredweight. Red, No. 2 and No. 3 cover: Plus $6.00 per hundredweight".

11. In paragraph (f) *Chemical wood pulp cover papers and related grades*, subparagraph (2) (iv), change the figures "336" to "520" so that the first three lines read: "(iv) *Cutting.* Cutting to small sizes (below 520 square inches) may be applied in addition to the differentials under (ii) above:"

Appendix C—*Other fine papers*, is amended in the following respects:

1. In paragraph (a) make the following changes in the alphabetical list of papers: Change "Map Cover" to Map paper". Insert after "Saturating papers (rag, cotton and/or high alpha cellulose content" and before "Tipping stock" two items, "Stencil and lens tissue" and "Text paper (above A grade book)".

2. In paragraph (e) in the 12th line delete the comma between "it shall" and "be", so that the sentence reads, "If you do not, it shall be a grade for which you have determined a maximum base price under paragraph (d) of this Appendix C."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective January 16, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 11, 1952.

[F. R. Doc. 52-566; Filed, Jan. 11, 1952; 4:00 p. m.]

[Ceiling Price Regulation 114]

CPR 114—Leases of Can Closing Machinery and Equipment

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 114 is hereby issued.

Statement of considerations

In general, this regulation continues in effect the provisions of Supplementary Regulation 22 to the General Ceiling Price Regulation with regard to the lease of can closing machines, related or auxiliary equipment, and the furnishing of machine services in connection with such leased machines and equipment by the American Can Company and the Continental Can Company, Inc.

In addition, this regulation permits all other persons who lease can closing machines, related or auxiliary equipment or who supply machine services in connection with such leased machines to increase their prices in effect on January 25, 1951, to the ceiling price of American Can Company or the Continental Can Company, Inc., for the lease of the most comparable machine or the supply of the most comparable service.

In the final judgments rendered in the cases of the United States v. The Continental Can Company, Inc., civil action #26346 and the United States of America v. American Can Company, civil action #26395-H, the Court stated that one of the primary purposes of the judgments was to relieve small manufacturers of can closing machinery of the coercive effect of the non-compensatory rental rates for can closing machinery charged by the American Can Company and the Continental Can Company, Inc., and thus permit the rental of can closing machinery by such small manufacturers at compensatory rates and restore competition in this field.

The General Ceiling Price Regulation established prices for most sellers, including lessors of can closing machinery, generally, at the highest price in effect during the period December 19, 1950 through January 25, 1951. Ceiling Price Regulation 34, Services, which superseded the GCPR as to ceiling prices for rentals of most machinery, in general, continued in effect the provisions of the GCPR as to prices in effect during the same period. During this period, December 19, 1950 through January 25, 1951, lessors of can closing machinery and related equipment were leasing this machinery at non-compensatory rates in order that their prices might be competitive with those of the American Can Company and the Continental Can Company, Inc. SR 22 to the GCPR permitted the American Can Company and the Continental Can Company, Inc., to increase their rental rates in order to comply with the judgments rendered by the United States District Court. Unless other lessors of like machinery and equipment are also permitted to increase their rental rates to those of the American Can Company or the Continental Can Company, Inc., the purpose of the Court's action will not be accomplished. Accordingly, this regulation permits all persons who lease such machinery to increase their rates to the ceiling prices of the American Can Company or the Continental Can Company, Inc., for the lease of the most comparable machine or equipment or for the supply of the most comparable service.

In the preparation of this regulation conferences have been held with individual industry representatives and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable to buyers and sellers alike and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Regulatory provisions

Sec.

Authority: Sections 1 to 14, issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. *What this regulation does.* This regulation establishes ceiling prices for the lease of can closing machines, related equipment and auxiliary equipment, and for machine services performed in connection with the leasing of these commodities. An explanation of the terms "can closing machine", "related equipment", "auxiliary equipment" and "machine service" is found in section 14 (*Definitions*). The provisions of this regulation are applicable if you are located in the United States, its territories and possessions, or the District of Columbia. This regulation supersedes any regulation previously issued by the Office of Price Stabilization, insofar as transactions covered by this regulation are concerned, including more particularly SR 22 to GCPR.

Sec. 2. *Ceiling prices for the American Can Company and Continental Can Company, Inc.* The ceiling price for the lease by the American Can Company or by the Continental Can Company, Inc., of any can closing machine, related equipment or auxiliary equipment or for machine services furnished in connection with such leased machines and equipment shall be the price which the company had in effect on January 25, 1951 (adjusted to reflect customary differentials, including discounts, allowances, premiums and extras, based upon difference in classes or location of purchasers or in terms and conditions of lease), increased by the amount required, from time to time, to conform to section 10 of Part III of the judgment of the District Court for the Northern District of California (Southern Division) filed June 26, 1950 in United States of America v. Continental Can Company, Inc., Civil Action #26346, and the judgment of the District Court for the Northern District of California (Southern Division) filed June 22, 1950 in the United States of America v. American Can Company, Civil Action #26345-H.

Sec. 3. *Ceiling prices for all other persons.* The ceiling price for the lease of any can closing machine, related equipment or auxiliary equipment or for machine services furnished in connection with such leased machines and equipment by a person, other than the American Can Company or the Continental Can Company, Inc., shall be the ceiling price of the American Can Company or the Continental Can Company, Inc., whichever is the higher, as established by section 2 of this regulation, for the lease of the most comparable can closing machine, related or auxiliary equipment, or for the furnishing of the most comparable machine service. An explanation of the terms "most comparable can closing machine, related or auxiliary equipment" and "most comparable machine service" are found in section 14 (*Definitions*).

Sec. 4. *Ceiling prices for persons who cannot determine ceiling prices under any other provision of this regulation.* If you cannot determine your ceiling prices under sections 2 or 3 of this regulation your ceiling price shall be a price, in line with the level of ceiling prices established by this regulation, which is authorized by the Office of Price Stabilization. If you seek such authorization, you shall file a report, by registered mail, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. This report shall contain the following information:

(1) Your name and address.

(2) The reasons why you cannot determine your ceiling price under any other section of this regulation.

(3) Your proposed ceiling price and a description of the classes of customers to which it applies.

(4) A description of the machine or equipment to be leased or the machine service to be furnished.

(5) A statement of the reasons why you believe that your proposed ceiling price is justified under this regulation.

After receipt of this report, the Office of Price Stabilization may approve the proposed ceiling price, disapprove the proposed ceiling price, establish a different ceiling price, by order, or request further information. If, thirty days after receipt of the required report by the Office of Price Stabilization, none of the actions just listed has been taken, the lessor or service supplier may sell or lease at his proposed ceiling price until such time as the Office of Price Stabilization notifies him that this price has been disapproved.

The ceiling price established in the manner just set forth shall be applicable

to all subsequent leases and sales. However, if the Office of Price Stabilization subsequently disapproves these ceiling prices, such disapproval will not be retroactive as to any monies received by you, prior to the date of such disapproval.

SEC. 5. *Service and training schools*—(a) *American Can Company and the Continental Can Company, Inc.* The ceiling price for the leasing by the American Can Company or the Continental Can Company, Inc., of any can closing machine, related equipment or auxiliary equipment shall include the maintaining of service training schools as required by section 18 of Part III of the judgments referred to in section 2 of this regulation and no separate charge may be made for such training by the American Can Company or the Continental Can Company, Inc.

(b) *Other persons.* The ceiling price of any person, other than the American Can Company and the Continental Can Company, Inc., for the leasing of any can closing machine, related equipment or auxiliary equipment shall include the maintaining of service schools where the person provided such schools during the period December 19, 1950, through January 25, 1951, for the employees of his customers for the purpose of educating them in the repair of can closing machines, related equipment and auxiliary equipment.

SEC. 6. *Records and reports*—(a) *Records.* Each person subject to the provisions of this regulation must prepare and preserve for a period of two years from the effective date of this regulation, records of the following:

(1) *Leases.* A copy of each lease and the ceiling prices applicable to these leases and the detailed computations showing the method by which these ceiling prices were determined.

(2) *Machine services.* The following information with regard to machine services:

(i) The name and address of the purchaser.

(ii) The description of the service.

(iii) The price charged.

(iv) The ceiling price of the service.

(v) A detailed computation of the ceiling price.

(3) *Prices in effect.* Prices in effect on January 25, 1951, for leases and the furnishing of services subject to this regulation.

(4) *Customary records.* Any other records customarily kept in connection with leases or furnishing of services subject to this regulation.

(b) *Reports.* No person may charge a price higher than that in effect on January 25, 1951, for the lease of any can closing machinery or equipment or for the furnishing of any machine service subject to this regulation until that person has filed a report in accordance with this paragraph. This report shall be filed by registered mail, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and shall contain the following information:

(1) The name and address of the lessor or service supplier.

(2) The price which the lessor or service supplier had in effect to each class of purchaser on January 25, 1951.

(3) The price which the lessor or service supplier has determined, in accordance with this regulation, to each class of purchaser.

(4) In the case of a lessor or service supplier other than the American Can Company or the Continental Can Company, Inc., a full explanation of the method by which the ceiling price has been determined in accordance with the provisions of this regulation. This explanation shall include a statement of the ceiling price of the American Can Company or the Continental Can Company, Inc., for the most comparable can closing machine, related equipment, auxiliary equipment, or machine service.

Immediately after receipt of this report by the OPS, as shown by the return receipt of the lessor or service supplier, the lessor or service supplier may put his proposed ceiling prices into effect. However, the OPS may disapprove these proposed ceiling prices at any time. Such disapproval will not be retroactive as to any monies received, prior to the date of such disapproval, pursuant to leases entered into or services sold subsequent to the date of receipt of the report by the OPS.

SEC. 7. *Petitions for amendment.* If any person subject to this regulation wishes to have this regulation amended, he may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 8. *Supplementary regulations and orders.* The Director of Price Stabilization may issue supplementary regulations or orders modifying or implementing this regulation as he deems appropriate.

SEC. 9. *Charges lower than ceiling prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 10. *Transfers of business.* If a person subject to this regulation sells, transfers or otherwise disposes of his business, assets or stock in trade after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same types of leases or services in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 11. *Evasion* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, lease of, or relating to, commodities or services covered by this regulation, alone or in connection with any other commodity or service, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tie-in agreement or other trade understanding, or otherwise.

SEC. 12. *Prohibitions.* On and after the effective date of this regulation, regardless of any contract or other obligation, no person subject to this regulation shall lease any can closing machine, related equipment or auxiliary equipment, or furnish any machine service in connection with such leased machine or equipment at a price exceeding the ceiling price as determined under this regulation; and no person shall lease, from you, in the regular course of business or trade, any machine, or equipment, subject to this regulation, or buy from you any service subject to this regulation at a price exceeding the ceiling price as determined under this regulation.

SEC. 13. *Violations*—(a) *Civil and criminal action.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Defense Production Act of 1950, as amended.

(b) *Record-keeping and filing violations.* If any person subject to this regulation fails to keep the records or file the reports required by this regulation, the Director of Price Stabilization may issue an order fixing ceiling prices for the leasing of can closing machines, related equipment or auxiliary equipment, or for the furnishing of machine services in connection with leased machines by such a person. Any ceiling prices established in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling prices may apply to all leases or services furnished for which a ceiling price was not established in accordance with the provisions of this regulation, including leases entered into or services furnished prior to the date of issuance of the order. The issuance of such an order will not relieve the person subject to this regulation of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 14. *Definitions*—(a) *American Can Company.* This term means the American Can Company and its domestic subsidiaries.

(b) *Continental Can Company, Inc.* This term means the Continental Can Company, Incorporated, and its domestic subsidiaries.

(c) *Can closing machine.* This term means any integral machine which performs as its primary function the final double seaming, clinching, seating or crimping of metal or fiber covers to metal or fiber containers.

(d) *Related equipment.* This term means any integral machine (other than can closing machines) which is used to supplement the operation of a can closing machine, or used in the preparing, filling, or weighing of the contents prior to the final seaming, clinching, seating, or

crimping of the metal or fiber covers, or in the unsealing, filling, and resealing of containers, or in the subsequent marking, identification, weighing, or handling of the closed container, including but not limited to, key clinchers, spout clinchers and can opening machines.

(e) *Auxiliary equipment.* This term means:

(1) Supplementary non-integral mechanisms which may be directly attached to can closing machines or related equipment to perform functions other than the double seaming, clinching, seating or crimping of metal or fiber covers to metal or fiber containers, including, but not limited to, can feeds, non-spill devices, take-away conveyors, discharge devices, but shall not include any particular special device made to one customer's specifications, and not manufactured thereafter.

(2) Sets of change parts for can closing machines and related equipment, and all other devices and equipment which will enable any can closing machine or related equipment to accommodate the containers of various types and sizes within the range of the particular can closing machine or related equipment.

(f) *Machine services.* This term means any form of technical services in connection with the installation, repair, overhaul, reconditioning, maintenance and related services of can closing machines, related equipment, and auxiliary equipment.

(g) *Most comparable can closing machine, related or auxiliary equipment.* These terms mean a can closing machine, related or auxiliary equipment of the American Can Company or the Continental Can Company, Inc., which is most nearly like the machine or equipment you are leasing as to type, size, function, operation and capacity.

(h) *Most comparable machine service.* This term means the machine service furnished by the American Can Company or the Continental Can Company, Inc., which most closely compares to the service you are furnishing as to type, purpose, time involved and materials used.

(i) *Persons.* This term means the person subject to this regulation and includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing.

(j) *You.* "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This regulation shall become effective January 16, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 11, 1952.

[F. R. Doc. 52-559; Filed, Jan. 11, 1952; 11:42 a. m.]

[General Ceiling Price Regulation, Amdt. 6 to Supplementary Regulation 29]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND AT WHOLESALE

RELIEF FOR INTERMEDIATE DISTRIBUTORS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 6 to Supplementary Regulation 29 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 5 of Supplementary Regulation 29 sets forth a method for retailers to recalculate their ceiling prices to reflect changes in wholesalers' ceiling prices permitted by SR 29. This section was not intended to deny this same relief to other intermediate distributors who customarily bought from wholesalers or distributors but inadvertently only retailers were named. This amendment therefore extends the method for recalculating ceiling prices to these resellers.

In view of the nature of this amendment, the Director has not found it practicable or necessary to consult formally with industry representatives.

AMENDATORY PROVISION

The first sentence of the text of section 5 is amended to read as follows: "If you are a retailer who buys from a wholesaler, or if you are any other reseller who buys from a wholesaler or distributor and if your supplier has changed his price to you pursuant to the provisions of this Supplementary Regulation 29, you recalculate your ceiling price under this section."

This amendment shall become effective on the 16th day of January 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 11, 1952.

[F. R. Doc. 52-562; Filed, Jan. 11, 1952; 11:42 a. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 49]

GCPR, SR 49—BASIC TIRE CARCASSES, RECAPPED AND RETREADED TIRES

NEW PRICES FOR BASIC TIRE CARCASSES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 49 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

On January 25, 1951, the General Ceiling Price Regulation was issued freezing individual selling prices of basic tire carcasses and recapped and retreaded tires, among other things, at the level of prices prevailing between December 19, 1950, and January 25, 1951. On August 6, Supplementary Regulation 49 became effective changing the type of regulation governing sales of passenger car basic tire carcasses and recapped and retreaded tires from the General Ceiling Price Regulation freeze to a formula type regulation. Supplementary Regulation 49 was based upon preliminary studies of General Ceiling Price Regulation price levels. Consequently, it was stated in the Statement of Considerations to Supplementary Regulation 49 that the prices set would be subject to confirmation later to bring them into line with results found by further OPS studies. These studies have now been completed and they demonstrate that the ceiling prices established by Supplementary Regulation 49 exceed the generally prevailing prices at which carcasses were sold at retail during the General Ceiling Price Regulation base period. Accordingly, this amendment corrects the $3.50 retail ceiling price by revising it downward to $3.00, the General Ceiling Price Regulation level. In addition, the $2.60 wholesale price is reduced to $2.40. A wholesale price which is set too low might cause a reduction in the supply of available carcasses by decreasing the incentive to gather the carcasses; therefore, this amendment reduces the original margin established by SR 49 between wholesale and retail carcass prices, a modification which was strongly urged upon this office by the Industry Advisory Committee of Tire Dealers. The resultant resellers' margins, according to data available to OPS, information submitted by the Tire Dealers Industry Advisory Committee and other members of this industry, will nevertheless be at least as great as those enjoyed by such sellers pre-Korea.

In view of the downward revision of ceiling prices effected by this amendment, there may be sellers who will suffer hardship in reselling carcasses, purchased at the higher current ceiling prices, at the new lower ceiling prices established by this amendment. To provide relief for such sellers, it is considered appropriate to postpone the effective date of this amendment until thirty days from the date of issuance of this amendment. This postponement of the effective date of the new ceiling prices will provide the opportunity for such sellers to dispose of their inventories purchased at the price level of ceiling prices under Supplementary Regulation 49.

Section 3 is being amended by substituting the phrase "particular recapping service given" for the phrase "recapping service." This change is intended to make clear that where a recapper has offered various recapping services and charged different prices for them in the base period, he may continue to do so under this regulation. For example, where a recapper would be entitled to exact an additional charge under Ceiling Price Regulation 34 for recapping a white sidewall tire, he may use higher price in establishing a ceiling price for the sale of a recapped white sidewall tire.

It has been the custom in the tire trade to make an additional charge for 6 ply basic tire carcasses as distinct from the conventional 4 ply tire, both when sold as carcasses and as recapped or retreaded tires. Preliminary studies indicate that this additional charge should be one dollar per carcass. Therefore, section 4 is added to Supplementary Regulation 49 to permit an additional dollar to be charged for 6 ply passenger car basic tire carcasses and for 6 ply recapped and retreaded tires.

In the formulation of this amendment, there has been formal consultation with the Tire Dealer Industry Advisory Committee, and informal consultation with industry representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Paragraph (a) of section 2 is amended by substituting the figure $3.00 for the figure $3.50, and the figure $2.40 for the figure $2.60, so that paragraph (a) of section 2 now reads as follows:

(a) *Passenger car basic tire carcasses.* The ceiling price for sales of any passenger car basic tire carcass is $3.00 each at retail and $2.40 each at wholesale. Minimum deductions of $1.75 for each sectional repair needed and $0.75 for for each spot repair needed shall be made from the ceiling price of the basic tire carcass.

2. Paragraph (a) of section 3 is amended by substituting the phrase "particular recapping service given" for the phrase "recapping service," and by substituting the figure $3.00 for the figure $3.50, so that paragraph (a) now reads as follows:

(a) *Passenger tires.* The ceiling price for the sale of a recapped or retreaded passenger car tire shall be the particular seller's ceiling price for the particular recapping service given, as determined under Ceiling Price Regulation 34, plus $3.00.

3. Section 4 is renumbered section 5.

4. A new section 4 is added to read as follows:

SEC. 4. *Six ply passenger car tires.* Notwithstanding the provisions of sections 2 (a) and 3 (a), the ceiling price for sales of a 6-ply passenger car basic tire carcass and a 6-ply passenger car recapped and retreaded tire is one dollar more than what the ceiling price calculated for it would be under sections 2 (a) or 3 (a) only.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Supplementary Regulation 49 to the General Ceiling Price Regulation is effective February 11, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 11, 1952.

[F. R. Doc. 52-560; Filed, Jan. 11, 1952; 11:42 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 86]

GCPR, SR 86—CEILING PRICES OF BY-PRODUCTS FEEDS OF THE WET CORN MILLING INDUSTRY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 86 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes dollars-and-cents ceiling prices for sales at the producer and distributor levels of the feed by-products of the wet corn milling industry.

Corn wet-milling by-product feeds are generally classified into corn gluten feed, corn gluten meal, corn oil cake, corn oil flakes, and corn oil meal. The first two are residual products after the extraction of the starch and germ from the corn. The latter three by-products are forms of the residue obtained after the extraction of the oil from the corn germ. These feeds constitute a significant part of the total feed supply of this country. Production of them has averaged over 900,000 tons per year since 1945. They represent about 10 percent of the supply of high protein feeds and about 6 percent of the supply of all by-product feeds including wheat mill feeds, hominy feed and alfalfa meal.

Of the five kinds of corn wet-milling by-product feeds, gluten feed is by far the most important. Alhough no actual figures are available, it is estimated that in the 1950–51 crop year 75 percent of these feeds were gluten feed, 20 percent was gluten meal and about 5 percent corn oil meal, cake and flakes. All these feeds are sold almost entirely to mixed-feed manufacturers. Gluten feed is used primarily as an ingredient in commercially blended dairy and cattle rations; gluten meal in poultry rations; and the corn oil meal, cake and flakes are occasionally used in fattening mashes for poultry and hogs.

Prices for these feed by-products were frozen at abnormally depressed levels, first under the General Ceiling Price Regulation (the GCPR) and then under Supplementary Regulation 18 to the GCPR, both of which have the same base period. It is the purpose of this supplementary regulation to restore a price level more nearly approaching normal and to provide an orderly pricing structure for these feeds.

Two conditions account for the low ceiling prices of these feeds which now prevail. The first is that prior to and during the General Ceiling Price Regulation base period there was an abnormally heavy production and oversupply of distillers' dried grain, one of the principal feed by-products with which these feeds are in direct competition. The second reason is that the wet-corn millers cannot take parity pass-throughs on their increased corn costs since the base period, either under Supplementary Regulation 18 to the General Ceiling Price Regulation or under Section 11 of the General Ceiling Price Regulation, in order to increase their feed by-product prices, because no part of the cost of corn was customarily allocated to these commodities. Their selling prices were usually treated as credits on the cost of corn.

This supplementary regulation corrects present pricing conditions in the industry by establishing ceiling prices for these feed by-products which are based on the parity price for corn and the historical price relationship between corn and the by-products feeds. There are four reasons why this is the most satisfactory method of setting ceiling prices. First, corn, the major feed used in this country, is substitutable for the by-product feeds to a very significant extent. Second, an extremely close price relationship between corn and the by-product feeds has in fact existed for a long period of time. Third, the wet-corn millers have customarily set their selling prices to reflect the prevailing price for corn. Fourth, because of the very close relationship between corn and the feed by-product prices, and in the absence of another reliable basis for setting prices, any other pricing technique might result in serious dislocations in the marketing of the feed by-products under ceiling conditions, and might also adversely affect the ability of the wet-corn millers to obtain their historical share of the available corn supply.

On the basis of the corn-feed by-product relationship, the following ceiling prices, per ton, bulk, in carload quantities were established at Chicago, Illinois, Kansas City, Missouri, and St. Louis, Missouri: $81.00 for corn gluten meal; $61.00 for corn gluten feed, and corn gluten feed, sweetened; and $64.00 for corn oil cake, flakes or meal. Prices at other destinations are obtained by adding the lowest applicable freight rate from any of the three cities which are used as basing points. The use of these three cities as basing points follows the customary pricing practice of the industry.

Provisions have also been included in this regulation for wholesalers' and retailers' ceiling prices; for sacking differentials; for sales in less than carload quantities; and for prices on failure to meet minimum protein guarantees.

The ceiling prices established for the corn wet-milling by-product feeds in this regulation are higher than the prices prevailing during the period, January 21, 1951 through February 24, 1951, inclusive, and are higher than the prices prevailing before the date of issuance of this regulation. In the absence of more specific information as to the pre-Korea margins of distribution of these by-product feeds, it is believed that the margins for distributors established by this regulation meet the standards of the Defense Production Act of 1950, as amended.

In the judgment of the Director of Price Stabilization, the provisions of this Supplementary Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Although special circumstances have prevented formal consultation with industry advisory committees, representatives of most of the wet-milling companies have been consulted and consideration was given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Producers' ceiling prices for sales in bulk.
3. Ceiling prices of jobbers, wholesalers and retailers.
4. Sacking charges.
5. Definitions.
6. Applicability of the General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 6 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by producers and distributors of the feed by-products of the wet corn milling industry. For the sellers and products covered, this supplementary regulation supersedes Supplementary Regulation 18 to the General Ceiling Price Regulation and the provisions of the General Ceiling Price Regulation that are inconsistent with the provisions of this supplementary regulation. This supplementary regulation applies in the 48 states of the United States and the District of Columbia.

SEC. 2. *Producers' ceiling prices for sales in bulk*—(a) *Ceiling prices, per ton, bulk, carload quantities, standard protein content.* (1) If you are a producer, your ceiling prices at Chicago, Illinois, Kansas City, Missouri and St. Louis, Missouri, per ton, bulk, in carload lots, carload shipments or pool car lots for the feed by-products of standard protein content set forth in Table A are the prices set forth in the same table.

TABLE A—PRODUCERS' CEILING PRICES

Feed byproduct	Standard protein content	Ceiling price per ton, bulk
	Percent	
Corn gluten meal	41	$81.00
Corn gluten feed	23	61.00
Corn gluten feed, sweetened	18	61.00
Corn oil cake, corn oil flakes, corn oil meal	20	64.00
All other feed byproducts of the wet corn milling process		61.00

(2) Your ceiling price at any point other than Chicago, Illinois, Kansas City, Missouri or St. Louis, Missouri is the applicable ceiling price set forth in Table A plus a transportation charge equal to the lowest grain products rate shipping rate (including the 3 percent transportation tax), or, if none, the lowest carload commodity rate on grain products (including the 3 percent transportation tax) applicable to the particular feed byproduct being priced to such point from Chicago, Kansas City or St. Louis, whichever results in the lowest price at the point of delivery.

(b) *Ceiling prices for feed by-products of less or more than standard protein content.* (1) If you sell and deliver a by-product feed of less than the standard protein content set forth for that feed in Table A, you must, in computing your ceiling price, reduce the price set forth in Table A in such proportion as the deficiency bears to the standard protein content.

Example: A wet corn miller delivers in bulk a carload lot of corn gluten feed to a purchaser in Chicago. Upon analysis, this lot is found to have a protein content of 21 percent, or 2 percent below standard protein content. In computing his ceiling price, the miller must subtract from the per ton, bulk ceiling price of $61.00, as set forth in Table A, 2/23 of $61.00, or $5.30. This gives him a ceiling price, per ton, bulk of $55.70.

(2) If you sell and deliver a by-product feed of more than the standard protein content set forth in Table A, your ceiling price shall be the same as your ceiling price for that feed of standard protein content.

(c) *Ceiling prices for less-than-carload lots.* If you sell and deliver a feed by-product in less than a carload lot, your ceiling price for such lot is your ceiling price, as otherwise determined under this regulation plus $1.00 per ton.

SEC. 3. *Ceiling prices of jobbers, wholesalers and retailers.* If you are a jobber, wholesaler or retailer of any feed by-product, your ceiling price is your supplier's ceiling price to you for such product plus the highest dollars-and-cents markup which you received on a sale or delivery by you of such product during the General Ceiling Price Regulation base period (December 19, 1950–January 25, 1951).

SEC. 4. *Sacking charges.* If (a) you are a producer and you sell and deliver a lot of any feed by-product in sacks; or (b) if you are a jobber, wholesaler or retailer and you sack any lot of a feed by-product which you buy in bulk, you may add $7.00 per ton to your ceiling price for such lot, as otherwise determined under this regulation.

SEC. 5. *Definitions*—(a) *Sellers covered by this regulation.* (1) "Producer" means a person who mills unprocessed corn by the wet milling process into any of the feed by-products covered by this regulation.

(2) "Distributor" means a jobber, wholesaler or retailer.

(3) "Jobber" with respect to any lot, means a person, other than a producer, wholesaler or retailer, who sells such lot without having previously unloaded it into a warehouse or store.

(4) "Retailer" means a person, other than a producer, who maintains a store, and who, with respect to any lot he has purchased and unloaded into that store, resells such lot to a feeder. "Store" means a building where a regular business of selling and delivering feeds and/or grain is carried on, and where the owner or one or more of his employees works on substantially a full-time, year-round basis, in such business or in a general retail business of which such feed and grain business is a part. "Feeder" means, with respect to any lot, a person who uses such lot for feeding animals or poultry.

(5) "Wholesaler" means, with respect to any lot:

(i) A person, other than a producer, who, after having unloaded it into a warehouse or store, sells such lot to any one other than a feeder; or

(ii) A person, other than a producer, who does not maintain a store and who, after having unloaded it into a place of business other than a store, sells such lot to a feeder.

(b) *Products covered by this regulation.* (1) "Corn gluten feed" means that part of commercial shelled corn that remains after the extraction of the larger part of the starch and germ by the processes employed in the wet milling manufacture of corn starch or syrup. It may or may not contain one or more of the following: Corn solubles, corn oil meal.

(2) "Corn gluten meal" means that part of commercial shelled corn that remains after the extraction of the larger part of the starch and germ, and the separation of the bran by the processes employed in the wet milling manufacture of corn starch or syrup. It may or may not contain one or more of the following: Corn solubles, corn oil meal.

(3) "Corn oil cake", or "corn oil flakes" means that product consisting of the corn germ from which most of the oil has been removed by hydraulic, expeller, or solvent extraction, and is a product obtained in the wet milling process of manufacture of corn starch, corn syrup and other corn products.

(4) "Corn oil meal" means ground corn oil cake or corn oil flakes.

(5) "Other feed by-products of the wet corn milling process" means any other feed by-product, not covered under subparagraphs (1)–(4) of this paragraph, but obtained in the wet milling process of manufacturer of corn starch, corn syrup and other corn products.

(6) "Feed by-product" includes any of the products described in subparagraphs (1)–(5) of this paragraph.

(c) *Miscellaneous definitions.* (1) "Carload lot" means any lot of 60,000 pounds or more.

(2) "Carload shipment" means any quantity which moves as a rail car shipment under the applicable railroad tariff requirements.

(3) "Pool car lot" means a lot being shipped to the purchaser as part of a rail carload shipment of commodities sold by one seller to two or more persons.

(4) "Less-than-carload lot" means any lot of less than 60,000 pounds other than a carload shipment or a pool car lot. It includes any delivery by or into a truck.

SEC. 6. *Applicability of the General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation which are not inconsistent with the pro-

visions of this supplementary regulation remain in full force and effect.

Effective date. This supplementary regulation becomes effective January 11, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 11, 1952.

[F. R. Doc. 52-563; Filed, Jan. 11, 1952; 11:42 a. m.]

Chapter XV—Federal Reserve System

[Regulation X, Interpretation 41]

REG. X—REAL ESTATE CREDIT

INT. 41—MAXIMUM MATURITY IN RESALE

A Registrant under Regulation X has inquired through a Federal Reserve Bank as to the maximum permissible maturity of credit extended to a purchaser of residential property which is being resold. For example, if the property was originally purchased in November 1950 and is being resold in January 1952, may credit extended to the purchaser in the resale have a maturity of twenty years?

It is the opinion of the Board that credit extended to the purchaser in such a case may have a maturity of twenty years even if the purchaser refinances, assumes, or takes the property subject to, existing indebtedness. For purposes of Regulation X, there is in such cases an extension of credit at the time of the resale, and, accordingly, the maximum permissible maturity of credit extended to the purchaser should be calculated from such time.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interprets or applies sec. 602, 64 Stat. 813, as amended; 50 U. S. C. App. Sup. 2132; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 52-453; Filed, Jan. 11, 1952; 8:45 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 1, as Amended]

DFO-1—CASTOR OIL

RESTRICTIONS

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and this order is, therefore, made effective pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, as amended; 50 U. S. C. App. Sup. 2061-2166), and delegations of authority thereunder (Executive Order No. 10161 (15 F. R. 6105), Executive Order No. 10200 (16 F. R. 61), Defense Production Administration Delegation No. 1, as amended (16 F. R. 738, 4594), Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446, 3311, 3519), Memorandum of Agreement between the Administrator (PMA) and the Administrator (NPA), as amended (16 F. R. 3410, 7949); and National Production Authority Delegation 10 (16 F. R. 3669). In the formulation of this order there has been consultation with industry representatives, and consideration has been given to their recommendations. Consultation with representatives of trade associations in the formulation of this order has been rendered impracticable inasmuch as there is no trade association, as such, with respect to the castor oil industry, and this order applies to numerous trades.

SUMMARY OF ORDER

The changes made by this order are designed to facilitate the administration of controls on the inventory and use of castor oil. Census Form M17A and Census Form M17B, heretofore required to be filed pursuant to Defense Food Order 1, will no longer be required pursuant to this amended order. In lieu of Census Form M17A, duplicate copies of a certificate must be furnished by any person upon the receipt or the acceptance of delivery of any quantity of castor oil which is greater than 60 pounds or which when added to the quantity of castor oil previously received, during the then current calendar quarter, amounts to an aggregate quantity of more than 60 pounds received during such quarter. The certificate to be used is a revised version of the certificate previously required under Defense Food Order 1. A further change limits the use of castor oil in the production of castor resins in accordance with the applicable percentage restrictions in Appendix A. The class use of "paint, varnish and lacquer" in Appendix A is expanded to include resins and other paint vehicles.

To facilitate reference to DFO-1, as amended, the entire amended order is set forth herein.

Defense Food Order 1, as amended (16 F. R. 2970, 6621), is hereby amended to read as follows:

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Restrictions on inventory and use of castor oil.
3. Exemptions.
4. Records and reports.
5. Audits and inspections.
6. Contracts and other obligations.
7. Violations.
8. Petition for relief from hardship.
9. Delegation of authority.
10. Territorial scope.
11. Communications.

AUTHORITY: Sections 1 through 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.

SECTION 1. *Definitions.* (a) "Castor oil" means that oil, commonly known as castor oil, whether crude, raw, filtered or refined, produced from the castor bean. The term also includes the lipide products which result from the blowing, blending, dehydrating, esterifying, fractionating, hydrogenating, saponifying, sulfonating, or other processing of castor oil. Such term, however, does not include tank bottoms or residues from storage tanks in which castor oil was stored.

(b) "Person" includes any individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of the foregoing. It also includes the United States or any agency thereof or any other government, or any of its political subdivisions, or any agency of any of the foregoing with the exception of the Commodity Credit Corporation and any agency of the United States Government engaged in stockpiling castor oil for purposes of national defense.

(c) "Producer" means any person engaged in the production of castor oil. Such term also means any person for whose account castor oil is produced.

(d) "Distributor" means any person who acquires, by purchase or otherwise, castor oil for resale, or for use by persons other than himself.

(e) "Import" means to bring castor oil into the continental United States.

(f) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the United States Department of Agriculture authorized to act in his stead.

(g) "Director" means the Director of the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of the United States Department of Agriculture authorized to act in his stead.

(h) "Calendar quarter" means the several three-month periods, beginning January 1, April 1, July 1, and October 1, of any calendar year.

(i) "Base period" means the last three months of the calendar year 1950.

(j) "Appendix A" means Appendix A to this order as from time to time amended.

SEC. 2. *Restrictions on inventory and use of castor oil.* (a) No person shall receive, accept delivery of, or use castor oil except as provided in this order.

(b) Beginning on the effective date of this order and subject to the limitations in paragraph (d) of this section, no person, other than a producer, importer, public warehouseman, or distributor, shall, during any day, receive or accept delivery of any quantity of castor oil if such receipt or delivery when added to the total quantity of castor oil owned by such person during such day would exceed an amount equal to one-third of his permitted usage of castor oil during the then current calendar quarter: *Provided*, That:

(1) If such person customarily purchases castor oil in drum lots he may continue to do so and may exceed the limitation provided above by an amount less than 420 pounds; or

(2) If such person customarily purchases castor oil in tank car quantities he may continue to do so and may exceed the limitation provided above by an amount less than the total capacity of a tank car.

(c) Commencing with the calendar quarter beginning on January 1, 1952, no person shall use, during any calendar quarter, in any class use listed in Appendix A an aggregate quantity of castor oil in excess of the quantity obtained by multiplying the quantity of castor oil he used in the same class use during the

base period by the percent specified in Appendix A for such class use.

(d) During any calendar quarter, any person may use castor oil in any amount in the production of blown, blended, dehydrated, esterified, fractionated, hydrogenated, saponified, or sulfonated castor oil: *Provided*, That the aggregate quantity of such products (irrespective of whether produced by such person) owned by him on the last day of such calendar quarter does not exceed the total quantity of the same products owned by him on September 30, 1950. However, the use of each of such products is subject to the limitations prescribed in paragraph (c) of this section.

(e) Any person who used not more than a total of 4,200 pounds of castor oil during the base period may use, during any calendar quarter, an aggregate amount of castor oil which is not in excess of his actual base period use.

(f) Any person who used more than a total of 4,200 pounds of castor oil during the base period and whose use during any calendar quarter is otherwise limited under this order to less than 4,200 pounds may, during such calendar quarter, use an aggregate amount of castor oil not in excess of 4,200 pounds.

(g) The Director is authorized to amend Appendix A, from time to time, whenever he determines it to be necessary or appropriate to promote the national defense.

SEC. 3. *Exemptions.* (a) This order shall not apply to:

(1) Any person in any calendar quarter in which such person's use of castor oil does not exceed 60 pounds.

(2) Any person with respect to any quantity of his castor oil, whether or not in transit, while such oil is in the bonded custody of the United States Bureau of Customs.

SEC. 4. *Records and reports.* (a) Except when otherwise required pursuant to paragraph (b) of this section, each person, other than a public warehouseman, who receives or accepts delivery, during any calendar quarter, of an aggregate quantity of castor oil greater than 60 pounds shall submit in duplicate to each of his suppliers a certificate in substantially the following form with respect to the castor oil delivered to such person by the respective supplier during such calendar quarter:

The undersigned hereby certifies to the United States Department of Agriculture, Production and Marketing Administration, and to _____
(Name of supplier)
that he is familiar with and understands the provisions of Defense Food Order 1, as amended, and that the amount of castor oil _____
(Specify form or lipide product)
covered by this certificate is _____ pounds, and the acceptance of such quantity will not result in the holding or ownership by him of an amount of castor oil in violation of section 2 (b) of the order. He further certifies that the oil covered by this certificate is to be used _____
(State purpose)
and such use will not be in violation of section 2 of the order.

_____ _____
(Name of firm) (Address of firm)
By _____ _____
(Authorized official) (Date)

(b) Each person who receives, or accepts delivery of, castor oil from any supplier pursuant to specific relief granted with respect to a petition therefor, in accordance with section 8 of this order, shall submit in duplicate to his supplier a certificate in substantially the following form:

The undersigned hereby certifies to the United States Department of Agriculture, Production and Marketing Administration, and to _____
(Name of supplier)
that he is familiar with and understands the provisions of Defense Food Order 1, as amended, and that the amount of castor oil _____
(Specify form or lipide product)
covered by this certificate is _____ pounds; and such quantity, taken with all other castor oil received pursuant to the relief granted in a letter dated _____, from _____
(Director or Administrator)
will not exceed the quantity specified in such letter. He further certifies that the oil covered by this certificate will be used _____ in accordance
(State purpose)
with the aforesaid letter.

_____ _____
(Name of firm) (Address of firm)
By _____ _____
(Authorized official) (Date)

(c) Each person who is furnished certificates in accordance with the provisions of paragraph (a) or (b) of this section shall submit to the Director, on or before the 10th of the following calendar month, a copy of each certificate received by such person.

(d) The Director shall be entitled to obtain such information from and to require such reports and the keeping of such records by any person as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(e) Every person subject to this order shall, for at least two years (or such other period of time as the Director may prescribe), maintain accurate records of his transactions in, and use of, castor oil.

SEC. 5. *Audits and inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of castor oil of any person, and to make such investigations as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

SEC. 6. *Contracts and other obligations.* The limitations and requirements of this order shall be observed without regard to contracts or obligations heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

SEC. 7. *Violations.* Any person who violates any provision of this order, or requirement pursuant hereto, may be prohibited from receiving, making deliveries of, maintaining inventories of, and using castor oil. In addition, any person who wilfully violates any provision of this order, or requirement pursuant hereto, is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil actions may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order, or requirement pursuant hereto.

SEC. 8. *Petition for relief from hardship.* Any person affected by this order, or any requirement pursuant to this order, who considers that compliance therewith would work an exceptional or unreasonable hardship on him may file a petition for relief in accordance with the provisions of Defense Food Order 4 (16 F. R. 7568). The filing of appeals shall also be in accordance with said Defense Food Order 4.

SEC. 9. *Delegation of authority.* The administration of this order and the powers vested in the Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate any or all of the authority vested in him by this order to any officer or employee of the United States Department of Agriculture.

SEC. 10. *Territorial scope.* The provisions of this order shall be applicable within the 48 States and the District of Columbia.

SEC. 11. *Communications.* All reports hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref. DFO–1.

With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 1, as amended, prior to the effective time of the provisions hereof, all provisions of said Defense Food Order 1, as amended, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 9th day of January 1952, to become effective on January 11, 1952.

[SEAL] G. F. GEISSLER,
Administrator,
Production and Marketing Administration.

APPENDIX A TO DEFENSE FOOD ORDER 1

Class use	*Percent*
Sebacic acid	Unlimited
Medicinal and pharmaceutical preparations	100
Protective linings for the inside of food containers	100
Demulsification of petroleum products	100
Synthetic, foam and natural rubber	100
Rubber factice	100
Hydraulic fluid	100

APPENDIX A TO DEFENSE FOOD ORDER 1—Con.

Class use	Percent
Electrical insulation	100
Leather	100
Textiles	60
Imitation leather and coated fabrics	60
Brake lining	60
Paint, varnish, lacquer, resins, and paint vehicles	60
Pigment and dye	60
Lubricating grease	60
Plastics	60
All other	30

[F. R. Doc. 52-503; Filed, Jan. 11, 1952; 8:52 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 7 to Schedule A]

RR 1—HOUSING

SCHEDULE A—DEFENSE RENTAL AREAS

CALIFORNIA, KANSAS, AND NEW MEXICO

Amendment 7 to Schedule A of Rent Regulation 1—Housing. Said regulation is amended in the following respect:

In Schedule A, item 34 is amended to read and new items 26a, 121 and 194 are added, all as follows:

State and name of defense-rental area	Class	County or counties in defense-rental areas under regulation	Maximum rent date	Effective date of regulation
California				
(26a) Southern Alameda County.	A	In Alameda County, the townships of Eden, Murray, and Pleasanton.	Nov. 1, 1951	Jan. 14, 1952
(34) Richmond-Vallejo	B	Contra Costa County, except the cities of Brentwood, El Cerrito, Martinez, and Walnut Creek; and Solano County.	Jan. 1, 1941	Aug. 1, 1942
	C	In Contra Costa County, Townships 5, 6, 8, 9, 13, 16 and 17, except the city of Brentwood.	Sept. 1, 1950	Jan. 14, 1952
	C	Solano	do	Oct. 23, 1951
	A	In Contra Costa County, the city of Brentwood	do	Jan. 14, 1952
Kansas				
(121) Salina	A	Saline	Mar. 1, 1951	Do.
New Mexico				
(194) Clovis	A	Curry County; and in Roosevelt County, election precincts 1, 3, 7, and 13.	Nov. 1, 1951	Do.

This amendment is issued as a result of joint certifications pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947 as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective January 14, 1952.

Issued this 9th day of January 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-461; Filed, Jan. 11, 1952; 8:47 a. m.]

[Rent Regulation 2, Amdt. 5, to Schedule A]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE RENTAL AREAS

CALIFORNIA; KANSAS, AND NEW MEXICO

Amendment 5 to Schedule A of Rent Regulation 2—Rooms in Rooming Houses and Other Establishments. Said regulation is amended in the following respect:

In Schedule A, item 34 is amended to read and new items 26a, 121 and 194 are added, all as follows:

State and name of defense-rental area	Class	County or counties in defense-rental areas under regulation	Maximum rent date	Effective date of regulation
California				
(26a) Southern Alameda County.	A	In Alameda County, the townships of Eden, Murray, and Pleasanton.	Nov. 1, 1951	Jan. 14, 1952
(34) Richmond-Vallejo	B	Contra Costa County, except the cities of Brentwood, El Cerrito, Martinez, and Walnut Creek.	Jan. 1, 1941	Aug. 1, 1942
	C	In Contra Costa County, townships 5, 6, 8, 9, 13, 16, and 17, except the city of Brentwood.	Sept. 1, 1950	Jan. 14, 1952
	A	In Contra Costa County, the city of Brentwood	do	Do.
	A	Solano	do	Oct. 23, 1951
Kansas				
(121) Salina	A	Saline	Mar. 1, 1951	Jan. 14, 1952
New Mexico				
(194) Clovis	A	Curry County; and in Roosevelt County, election precincts 1, 3, 7, and 13.	Nov. 1, 1951	Do.

This amendment is issued as a result of joint certifications pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective January 14, 1952.

Issued this 9th day of January 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

[F. R. Doc. 52-462; Filed, Jan. 11, 1952; 8:47 a. m.]

[Rent Regulation 3, Amdt. 26 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE RENTAL AREAS

CALIFORNIA, KANSAS, AND NEW MEXICO

Amendment 26 to Schedule A of Rent Regulation 3—Hotels. Said regulation is amendment in the following respect:

In Schedule A, item 34 is amended to read and new items 26a, 121 and 194 are added, all as follows:

Name of defense-rental area	State	County or counties in defense-rental areas under Rent Regulation 3	Maximum rent date	Effective date of regulation
(26a) Southern Alameda County.	California	In Alameda County, the townships of Eden, Murray, and Pleasanton.	Nov. 1, 1951	Jan. 14, 1952
(34) Richmond-Vallejo	do	In Contra Costa County, townships 5, 6, 8, 9, 13, 16, and 17.	Sept. 1, 1950	Do.
		Solano	do	Oct. 23, 1951
(121) Salina	Kansas	Saline	Mar. 1, 1951	Jan. 14, 1952
(194) Clovis	New Mexico	Curry County; and in Roosevelt County, election precincts 1, 3, 7, and 13.	Nov. 1, 1951	Do.

This amendment is issued as a result of joint certifications pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective January 14, 1952.

Issued this 9th day of January 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-463; Filed, Jan. 11, 1952; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

CHESAPEAKE BAY ENTRANCE; NAVAL RESTRICTED AREA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.158 (a) is hereby amended so as to eliminate the northeast portion of the restricted area at the entrance to Chesapeake Bay to meet the needs of the Menhaden fishing industry, as follows:

§ 207.158 *Chesapeake Bay entrance; naval restricted area*—(a) *The area.* Beginning at a point on the south shore of Chesapeake Bay at longitude 76°03'06"; thence to latitude 37°01'24", longitude 76°02'06"; thence to latitude 37°06'15", longitude 76°00'42"; thence 90° true to longitude 75°58'50"; thence to a point on the east shore of Chesapeake Bay at latitude 37°07'18"; thence southerly and northeasterly along the shore at Wise Point to longitude 75°57'30"; thence 180° true to latitude 37°05'36"; thence to latitude 37°01'12", longitude 75°50'00"; thence 180° true to latitude 36°48'00"; thence 270° true to longitude 75°55'00"; thence to latitude 36°53'00", longitude 75°56'00"; thence 270° true to the shore; and thence northwesterly and southwesterly along the shore at Cape Henry to the point of beginning.

* * * * *

[Regs. Dec. 27, 1951, 800.2121 (Chesapeake Bay)—ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-460; Filed, Jan. 11, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on April 10, 1951 (10 A. D. 486), authorizing the yardage charges which are presently in effect at respondent's stockyard.

On January 2, 1952, respondent, by its attorney, filed a petition requesting that its current authorization be modified so as to authorize the assessment of the rates set out below under the heading "Proposed New Rate Per Head" and that such authorization continue in effect to and including June 30, 1953.

Yardage charge	Present rate per head	Proposed new rate per head
A. Livestock sold or resold in the Commission Division:		
Cattle (except bulls weighing 800 pounds or over)	$0.78	$0.81
Calves	.45	.47
Hogs	.27	.29
Sheep and goats	.17	.18
Bulls weighing 800 pounds or over	1.10	1.25
B. Livestock received directly by packers through the yards:		
Cattle (except bulls weighing 800 pounds or over)	.39	.41
Calves	.23	.24
Hogs	.14	.15
Sheep and goats	.09	.09
Bulls weighing 800 pounds or over	.55	.63

The authorization, if granted, will produce additional revenue for the respondent and increase the cost of marketing to shippers. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of publication of this notice.

Done at Washington, D. C., this 8th day of January 1952.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 52-468; Filed, Jan. 11, 1952; 8:48 a. m.]

[7 CFR, Part 729]

PEANUTS

NOTICE OF PROPOSED DETERMINATIONS WITH RESPECT TO THE SUPPLY OF THE SEVERAL TYPES FOR 1952-53 MARKETING YEAR

Pursuant to section 358 (c) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (c)), the Secretary of Agriculture is preparing to determine whether the supply of any type or types of peanuts for the 1952-53 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358 (c) of the act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951-1952 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether any type or types of peanuts for the 1952-53 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes, consideration will be given to any data, views, and recommendations relating thereto, which are submitted in writing to the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than 10 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of January 1952.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 52-467; Filed, Jan. 11, 1952; 8:48 a. m.]

[7 CFR Part 924]

[Docket No. AO-225-A1]

HANDLING OF MILK IN DETROIT, MICHIGAN, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Park-Sheraton Hotel, Woodward and Kirby Streets, Detroit, Michigan, beginning at 10:00 a. m., e. s. t., January 18, 1952, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendment hereinafter set forth, or ap-

propriate modifications thereof. This proposed amendment has not received the approval of the Secretary of Agriculture.

An amendment to the order for the Detroit, Michigan, marketing area has been proposed by the Michigan Milk Producers' Association as follows:

That § 924.52 (a) (1) be deleted and the following substituted in its place:

(1) Multiply the average price per pound of butter as described in § 924.50 (b) (1) by 1.2 and subtract 5 cents, then multiply by 3.5.

Copies of this notice of hearing and of the tentative marketing agreement and the order now in effect may be obtained from the market administrator, 5701 Second Boulevard, Detroit 2, Michigan, or from the Hearing Clerk, United States Department of Agriculture, Room 1353 South Building, Washington 25, D. C., or may be there inspected.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

JANUARY 10, 1952.

[F. R. Doc. 52-502; Filed, Jan. 11, 1952; 8:52 a. m.]

NOTICES

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 39, Correction]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTED CEILING PRICES UNDER GENERAL OVERRIDING REGULATION 21

Due to a clerical error, section 1 (a) of Delegation of Authority 39 refers to "section 5 (*d*) of GOR 21." This should read instead, "section 5 (*e*) of GOR 21." Accordingly, section 1 (a) of Delegation of Authority 39 is corrected to read as follows:

(a) To direct applicants to broaden the scope of their applications as provided in section 5 (e) of GOR 21.

MICHAEL V. DISALLE, *Director of Price Stabilization.*

JANUARY 11, 1952.

[F. R. Doc. 52-561; Filed, Jan. 11, 1952; 11:42 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC COAST EUROPEAN CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 5200-11; between the member lines of the Pacific Coast European Conference, modifies the first paragraph of Article 4 of the basic agreement of that Conference (No. 5200) to provide that the yearly period for computing minimum number of required sailings shall commence on January 1, 1952, with respect to conference membership on that date and that as to members admitted subsequent to that date the yearly period shall commence the first day of the month following the date of admission or readmission to membership. Agreement No. 5200-11 also modifies the second paragraph of Article 4 of the basic agreement of the Conference which provides that no member which resigns from membership shall be readmitted to membership except by paying a penalty of $12,500, to provide that former members may be readmitted to membership three years after resigning without payment of such penalty, and that no member which has been expelled from membership shall be readmitted to membership without payment of such penalty.

Agreement No. 7723-2, between Aktieselskapet Hav, Aktieselskapet Havtank and Aktieselskapet Inger, modifies the basic joint service Agreement (No. 7723) between said parties covering the trade between North Atlantic ports of the United States and Canada and Mediterranean ports, by changing the trade name of the joint service from "Staubo Line" to "Staubo-Horn Line."

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 9, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-470; Filed, Jan. 11, 1952; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[417.45]

DICALCIUM PHOSPHATE (PRECIPITATED BONE MEAL)

PROSPECTIVE CHANGE IN TARIFF CLASSIFICATION

JANUARY 9, 1952.

It appears probable that a correct interpretation of paragraphs 5 and 1685, Tariff Act of 1930, requires that dicalcium phosphate (precipitated bone meal) containing impurities in proportions not less than any one of the following:

	Parts per million
Arsenic	1.4
Zinc	100
Copper	30
Lead	20
Sulphur dioxide	350

be clasified as dutiable under paragraph 5 as a chemical compound rather than free of duty under paragraph 1685 as an ingredient chiefly used in the manufacture of fertilizer, the present established and uniform practice. No change in the present practice of classifying other dicalcium phosphate under paragraph 5 is contemplated.

Pursuant to § 16.10a (d), Customs Regulations of 1943 (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 1685 as an ingredient chiefly used in the manufacture of fertilizer is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this grade of dicalcium phosphate (precipitated bone meal) which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration of such communications they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] FRANK DOW, *Commissioner of Customs.*

[F. R. Doc. 52-464; Filed, Jan. 11, 1952; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II, *Central Office organization and final delegations of authority to Central Office officials,* is amended as follows:

Paragraph j is amended by adding subparagraph 11 as follows:

11. Pursuant to the provisions of Public Law 67 (73d Cong.), Public Resolution No. 11 (74th Cong.), Public Laws 781 and 849 (76th Cong.), and Public Laws 9, 73, and 353 (77th Cong.), all as amended and supplemented, effective January 7, 1952, the Assistant Commissioner for Management and Disposition, the Deputy Assistant Commissioner for War Emergency Housing, the Director of the Mortgage Servicing Branch, and the Assistant Director of the Mortgage

Servicing Branch are hereby delegated the power to execute releases from liens of mortgages held by the Government in connection with those programs.

Date approved: January 7, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52-451; Filed, Jan. 11, 1952; 8:45 a. m.]

CENTRAL OFFICE ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II, *Central Office organization and final delegations of authority to Central Office officials,* is amended as follows:

Subparagraph e 2 (f), which authorizes the Comptroller, the Deputy Comptroller for Technical Services, and the Mortgage Service Officer to execute releases from liens of Mortgages held by the Government, is revoked after January 6, 1952.

Date approved: January 7, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52-452; Filed, Jan. 11, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev., S. O. 562, King's I. C. C. Order 58]

ATLANTA AND WEST POINT RAIL ROAD CO. ET AL.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Atlanta and West Point Rail Road Company; the Georgia Railroad; and the Louisville and Nashville Railroad Company, because of work stoppage by firemen and engineers on the Atlanta Joint Terminals, Atlanta, Georgia, are unable to transport traffic to or through the Terminals: *It is ordered,* That:

(a) Rerouting traffic: The Atlanta and West Point Rail Road Company; the Georgia Railroad; and the Louisville and Nashville Railroad Company, being unable to transport traffic moving to or through the Atlanta Joint Terminals, because of work stoppage, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a. m., January 8, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., February 7, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., January 8, 1952.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 52-458; Filed, Jan. 11, 1952; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA No. 30]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

JANUARY 11, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Ardmore, Oklahoma Area. (The area covered includes all of Carter County, Oklahoma.)

Eglin Air Force Base, Florida. (The area consists of Okaloosa County, Florida.)

Townsville, North Carolina Area. (The area consists of Townsville Township, Vance County, North Carolina.)

Wenatchee, Washington. (The area consists of the election precincts of Appleyard, Canyon, Lewis and Clark, Lincoln, Malaga, Millendale, Monitor, Sunny Slope, Suburban, and all Wenatchee City election precincts, in Cheland County; and the election precincts of Cascade, East Wenatchee, Highline, Majestic, North Bridge, Rock Island, South Bridge and Valley in Douglas County; all in the State of Washington.)

C. E. WILSON,
Director,
Office of Defense Mobilization.

[F. R. Doc. 52-552; Filed, Jan. 11, 1952; 10:19 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1355—7-1363]

KENNECOTT COPPER CORP. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of January A. D. 1952.

In the matter of applications by the Midwest Stock Exchange for unlisted trading privileges in Kennecott Copper Corporation, common stock, no par value, 7-1355; Phelps Dodge Corporation, capital stock, $25 par value, 7-1356; Philco Corporation, common stock, $3.00 par value, 7-1357; Phillips Petroleum Company, capital stock, no par value, 7-1358; Tri Continental Corporation, common stock, $1.00 par value, 7-1359; International Nickel Co. of Canada, Ltd., common stock, no par value, 7-1360; Emerson Radio & Phonograph Corporation, common stock, $5.00 par value, 7-1361; Burlington Mills Corporation, common stock, $1.00 par value, 7-1362; Baldwin-Lima-Hamilton Corporation, common stock, $13 par value, 7-1363.

The Midwest Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received

prior to January 21, 1952, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-455; Filed, Jan. 11, 1952; 8:45 a. m.]

[File No. 70-2770]

WEST PENN ELECTRIC CO.

NOTICE OF FILING REQUESTING AUTHORITY TO ISSUE AND SELL ADDITIONAL COMMON STOCK

JANUARY 8, 1952.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by The West Penn Electric Company ("West Penn Electric"), a registered holding company. The filing has designated sections 6, 7, 9, 10, and 12 (c) of the act and Rules U-42 and U-50 promulgated thereunder as being applicable to the transactions therein proposed.

Notice is further given that any interested person may, not later than January 21, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, this application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

West Penn Electric proposes to issue 440,000 additional shares of its common stock, without par value. The shares of common stock are to be offered to the holders of the presently outstanding common stock of the company for subscription in the ratio of 1 share of additional common stock for each 8 shares of common stock now held. This right to subscribe is to be evidenced by transferable subscription warrants to be issued on the basis of one right for each share of common stock owned. No fractional shares are to be issued in exchange for warrants. The warrants provide that persons subscribing for stock may direct the subscription agent to purchase additional warrants required to complete a full share subscription or to sell warrants in excess of full share subscriptions. In each case, the purchase or sale may not exceed 7 warrants for any single stockholder.

The above described offering is to be underwritten and the company proposes to select the purchasers of any unsubscribed stock at competitive bidding pursuant to Rule U-50. At least 42 hours prior to the time for the submission and opening of bids, West Penn Electric will advise the prospective bidders of the subscription price per share for the shares of new common stock, which will also be the price per share at which unsubscribed shares will be sold to the successful bidder. Prospective bidders are to be required to specify an aggregate amount of compensation to be paid by the company for their commitments.

The company proposes, if considered necessary or desirable, to stabilize the price of the common stock of the company for the purpose of facilitating the offering and distribution of the new common stock. In connection therewith, the company may, prior to the acceptance of a bid, purchase shares of its common stock, but not in excess of 44,000 shares, on the New York Stock Exchange or otherwise. Such purchases are to be made through brokers with the payment of regular stock exchange commissions. The prospective bidders will be asked to bid not only for the purchase of the unsubscribed stock but also for the purchase of any shares within the above limitation acquired by the company through such stabilizing transactions.

According to the filing, it is the present intention of West Penn Electric to use the net proceeds from the sale of the new common stock, plus other funds to the extent necessary, to invest approximately $7,600,000 in additional common stock of its subsidiary, West Penn Power Company, $2,500,095 in additional common stock of its subsidiary, Monongahela Power Company, and $2,500,000 in additional common stock of The Potomac Edison Company, another subsidiary. Further filings are contemplated in respect of the purchases and the issuance of the subsidiaries' common stocks.

The filing requests that the order of the Commission herein granting the application and permitting effectiveness to the declaration become effective forthwith upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

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